

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**23 August 2001**

**(extract from Book 2)**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

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The Hon. D. V. NAPHTHINE

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. LOUISE ASHER

**Leader of the Parliamentary National Party:**

Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**

Mr B. E. H. STEGGALL

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Allen, Ms Denise Margret <sup>4</sup>	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
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Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacLellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar <sup>2</sup>	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb <sup>1</sup>	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



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## Thursday, 23 August 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

### RULINGS BY THE CHAIR

#### *Hansard* record

The SPEAKER — Order! Yesterday the Minister for Finance raised a point of order and asked me to inquire into the accuracy or otherwise of the *Hansard* report of the previous day's raising of a point of order by the honourable member for Monbulk. I have received the following report from the Editor of Debates, Carolyn Williams, which states:

I have been asked to report on the circumstances raised by the Minister for Finance in a point of order earlier today.

The *Daily Hansard* of Tuesday, 21 August, shows the honourable member for Monbulk referring to a matter raised during the adjournment debate on Thursday, 16 August, by the honourable member for Bendigo East.

After checking the tape I advise that the honourable member for Monbulk referred to a matter raised by the honourable member for Gippsland East. However, as the honourable member for Gippsland East did not raise a matter during the adjournment on Thursday, 16 August, that reference was changed in the editing process by Hansard staff to the honourable member for Bendigo East. Unfortunately, that reference is also incorrect, as the matter was actually raised by the honourable member for Ballarat West.

*Daily Hansard* is a proof version of the record of proceedings, to which corrections are made before the final revised version is issued. In this case, the incorrect reference by the honourable member for Monbulk would have been corrected during the proofreading process to reflect the true position — that is, that the matter was raised by the honourable member for Ballarat West.

It is important to note that the editing policy applied by the Department of Parliamentary Debates in accordance with the guidelines set out at page 254 of *May*, 19th edition, requires Hansard staff to correct obvious mistakes and factual errors.

The inadvertent factual error made by the honourable member for Monbulk on Tuesday, 21 August, would have been corrected in the normal course of events, as was the obvious mistake made by the Minister for Education on Thursday, 16 August — the subject of the original point of order raised by the honourable member for Monbulk on Tuesday, 21 August, which led to the point of order raised earlier today by the Minister for Finance.

I point out that an honourable member who is concerned about the accuracy of any statement appearing in *Daily Hansard* has an opportunity of speaking to me about that concern before raising it in the house. If he or she believes the matter should be taken further after being made aware of the circumstances surrounding the concern, they are able to do so.

Honourable members should not treat such matters lightly, particularly as it reflects upon the professionalism of our staff. The rules are there to protect all honourable members. I suggest we all heed the advice of the Editor of Debates and not raise matters in the house, firstly causing angst in the house and secondly causing a lot of administrative work to resolve them. Rather they should do so administratively. As the rules require, all honourable members should correct their proofs and *Daily Hansard* before the official version of *Hansard* is released.

I will hear no further on this matter.

### PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

#### Roads: Wyndham

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria, and in particular residents of the Wyndham municipality, sheweth that there are a number of dangerously neglected roads in Wyndham that are in urgent need of repair and upgrade.

Your petitioners therefore pray that:

- (1) the state government and Vicroads classify the following roads as declared main roads consistent with the role and function performed by these roads as principal regional links between Werribee and the surrounding urban fringe areas of metropolitan Melbourne: Dohertys Road, Sayers Road, Palmers Road, Old Geelong Road and Aviation Road;
- (2) the state government allocate funds within the next two financial years to upgrade or commence the upgrade of the following roads: Dohertys Road, Sayers Road, Palmers Road, Leakes Road, Edgars Road, Bulban Road (realignment), Old Geelong Road and Aviation Road.

And your petitioners, as in duty bound, will ever pray.

By Ms GILLET (Werribee) (60 signatures)

#### Target Australia: Geelong closure

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the undersigned citizens of the state of Victoria express grave concern that 850 jobs at the Target head office in Geelong are in jeopardy from Coles Myer's decision to restructure the general merchandise and apparel group and relocate jobs to Melbourne.

Your petitioners therefore pray that:

The state government will

stand up for Geelong and encourage Coles Myer to base the buying and support roles of Coles Myer general merchandise and apparel in Geelong;

work with the Australian Services Union, the City of Greater Geelong, and the Geelong Trades and Labour Council to implement a strategy to develop new service sector and new economy jobs with the loyal and dedicated workers in Geelong;

provide assistance to achieve these goals before it is too late.

And your petitioners, as in duty bound, will ever pray.

**By Mr BRACKS (Williamstown) (9551 signatures)**

**Laid on table.**

**Ordered that petition presented by the honourable member for Werribee be considered next day on motion of Ms GILLET (Werribee)**

## CHISHOLM INSTITUTE OF TAFE

### Review

**Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — By leave, I move:**

That there be presented to this house a copy of the report of the review of Chisholm Institute of TAFE.

**Motion agreed to.**

**Laid on table.**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Victorian Auditor-General's Office

**Mr LONEY (Geelong North) presented report on appointment of replacement auditor to conduct financial audits, together with appendices.**

**Laid on table.**

**Ordered to be printed.**

## PAPERS

**Laid on table by Clerk:**

*Environment Conservation Council Act 1997 — Box-Ironbark Forests and Woodlands Investigation Final Report*

*National Environment Protection Council Act (Victoria) 1995 — Review of the Act pursuant to s. 64*

Statutory Rule under the *Magistrates' Court Act 1989* — SR No. 80.

## BUSINESS OF THE HOUSE

### Adjournment

**Mr BATCHELOR (Minister for Transport) — I move:**

That the house, at its rising, adjourn until Tuesday, 18 September 2001.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Hospitals: nurses

**Mr VOGELS (Warrnambool) — I would like to pay tribute to the members of rural hospital boards for standing up to this government's threats and bullying tactics throughout the nurses dispute.**

When the Department of Human Services and the Australian Nursing Federation reached agreement on the new staffing ratios our rural hospitals went out in good faith and started recruiting nurses. In rural Victoria we still believe that your word is your bond and a handshake is a deal that you do not go back on. That is why 450 nurses were recruited from as far away as interstate. Some have moved themselves and their families many, many miles, and now they are told that they are to be sacked. Natural attrition is very rare in rural Victoria.

Our rural hospitals will look after these nurses, and not sack them because of the incompetence of the Minister for Health's department. These are real people, and if the minister's spin doctors in the department come up with a formula of weighted inlier equivalent separation divided by diagnostic related groups divided by length of stays, and then multiplied by the average age of the board members, we will see through it and we will not wear it.

### Bridges: Murray River

**Mr STEGGALL (Swan Hill) — I wish to make a statement expressing my disgust at the lack of progress being made on the Murray River crossings, particularly those at Robinvale, Echuca and Corowa. I want to bring to the attention of this Parliament and the government the fact that unless the government starts doing**

something in this area the money put forward by the federal government will most likely be lost.

It has been three years since the money was made available through the Federation Fund. The New South Wales Labor government has been slow, uncommitted and uninterested in this whole operation, and recently the Victorian government followed suit. I bring this lack of action and interest to the attention of the Parliament. The Murray River might be a long way from Melbourne, but the river crossings are vital to this state and its commerce. I suggest that the Minister for Transport and the Premier start paying attention to what is going on.

The demands put forward recently by the Victorian government — echoing those stupid demands from New South Wales — have put all these projects in jeopardy. We have a lot of difficulty getting river crossings, and for the first time ever a commonwealth government has put forward an assistance package. This is the responsibility of the states, not the commonwealth, and for the first time we have some commonwealth money to do it.

### **Rail: Tullamarine link**

**Mrs MADDIGAN** (Essendon) — Last Thursday in Bendigo I presented a petition to the Parliament from some of my residents who are opposed to the Broadmeadows rail link option being part of the discussion about the airport rail link. A number of other petitions were brought to my office, but they are not in the correct form to be presented to the Parliament because they are addressed to the Minister for Transport. I would like to have these petitions incorporated into the record. The wording of the petitions is slightly different to the other one. They read:

We the undersigned residents of Flemington —

on one, and Flemington–Moonee Ponds the other —

hereby record our objection to the proposal to establish an express rail service to Melbourne Airport via the Broadmeadows line. We believe that the proposal will result in a drastic increase in the number of trains, exacerbating existing noise, traffic, pollution and safety problems for our neighbourhood. We respectfully request the full support of our parliamentary representatives on this issue.

Those two petitions together have a further total of 414 signatures.

Obviously I will be sending the petitions to the Minister for Transport, but the residents who presented them to me wished them to be included with the petition presented to Parliament last week.

### **Hospitals: nurses**

**Mr MULDER** (Polwarth) — Use any explanation you wish, but it all boils down to the same result: hospitals in my electorate are being asked by the Labor government to dump nurses in droves from their nursing allocations.

The Labor government says it is not sacking them, just managing them back. ‘Manage back’ — what a great expression, especially for those who are affected. Of the 1000 nurses the Labor government has to get rid of to meet its funding cap of 1300, 450 are in rural Victoria. All the hospitals in my electorate — Camperdown, Colac, Lorne, Apollo Bay and Winchelsea — are affected. These hospitals went out at the direction of this government and recruited to the directed nurse–patient ratios, only now to find out that due to the incompetence and backflip of the Minister for Health they have to start getting rid of nurses. In many cases the nurses have undergone re-entry training programs costing millions of dollars, only to find out that the whole process has been nothing but a con and a waste of time. This is the greatest cock-up of all time in rural health. It is a total cock-up.

What do you say to a nurse who has packed up, moved into your district, bought a home and put children into school? What about the financial burden imposed on them by the costs of selling their previous home and the costs of buying, such as stamp duty, for a new home, only for them to find they are to be sacked? The answer is, ‘The Labor government does not want you any more!’.

What a lousy way to treat such a highly dedicated, professional and caring group. Apollo Bay has to shed 4 nurses; Colac, 2.5; Camperdown, 5 — —

**The SPEAKER** — Order! The honourable member’s time has expired.

### **Winifred McKenna**

**Mr LANGDON** (Ivanhoe) — Today I would like to acknowledge publicly the life of Winifred McKenna, or Win, as she was affectionately known. Win had three great loves in her life: her family, the Australian Labor Party and the Collingwood Football Club. Win’s involvement with the ALP goes back over 30 years, particularly with the West Heidelberg branch and later the North Heidelberg branch, when she moved to the Macleod area in the electorate of Bundoora. I know the local member, Sherryl Garbutt, the Minister for Environment and Conservation, knew Win well. Win was a willing fundraiser and often held functions at her

home. She believed that if someone did not vote Labor there was something wrong with them.

She had a very proud involvement with the Collingwood Football Club. As honourable members may have picked up from her surname, she was the proud mother of Peter McKenna, the famous Collingwood footballer. Her involvement with the Collingwood Football Club goes back to the time when Peter started playing at the club. She always went along to watch the games and thoroughly enjoyed her involvement with the club. She firmly believed that if the ball were kicked to Peter he would always kick a goal.

I extend my condolences and those of the Minister for Environment and Conservation to the McKenna family on the passing of their mother, Win McKenna.

### **Nobb Reserve, Stratford**

**Mr INGRAM** (Gippsland East) — I rise to speak on the management of Crown land reserves, in particular the Nobb Reserve on the Avon River at Stratford. It is an extremely important Crown land reserve covering a 45-hectare remnant of threatened ecological vegetation — the red gum plains. The reserve has been managed by a community management group, and honourable members should recognise the dedicated, hard work of such volunteer organisations in the International Year of Volunteers.

It is extremely disappointing that this community management group is increasingly under pressure as it does not have access to funds.

During the time of the amalgamation of the shires the reserve was taken away from Wellington shire management and given to this group. The group used to raise money by charging for cattle grazing on the reserve and by holding music festivals. During recent times this money has not been available as the Department of Natural Resources and Environment advised the group to remove the cattle grazing on the reserve. It is now reliant on grants, which have become less and less.

At a meeting on Tuesday night the committee resolved to lock the gate and lock the public out of the reserve. It is required to do fire management, weed management and pest animal management, and increased costs for that work have led to a disappointing result — that is, an important reserve has been shut down.

### **Hospitals: nurses**

**Mr SPRY** (Bellarine) — I draw the attention of the house to a looming patient care crisis in the Geelong Hospital. In August last year the Bracks Labor government ratified a directive to increase nurse-to-patient ratios in all public hospitals. In good faith, the Geelong Hospital recruited an additional 98 nurses. The government has now done a backflip and said that 37 of the 98 new nursing positions will not be funded by the state government. That leaves 37 nurses in limbo — that is, 37 nurses who have families and commitments and whose lives will be disrupted.

The Premier, the Treasurer and the part-time health minister have slammed the door in the face of 37 nurses in Geelong! They have left the hospital management with the unpleasant task of what Labor euphemistically describes as managing back: to you and me, that simply means sacking 37 nurses. At a time of union chaos in the hospital system this blunder is inexcusable, particularly when hospitals are trying to cope with the crisis in elective surgery waiting lists, waiting times on trolleys and ambulance bypasses.

For the sake of the Geelong Hospital and its staff and for the sake of Geelong Hospital patients and their families, I call upon the Premier of this state to show some sadly lacking leadership and resolve this crisis forthwith.

### **Ballarat — My Choice**

**Mr HOWARD** (Ballarat East) — Last week I had the pleasure of launching Ballarat — My Choice, which is a very impressive package of materials that has been produced by the City of Ballarat in conjunction with the state government. This professional package, which focuses on why Ballarat is a good place to do business, will be made available to prospective business developers who may be looking to move into regional Victoria and also to prospective residents to let them know why Ballarat is a great place to move to and a great place to live in.

The package is very professional in that it contains some well presented written material and CDs, which means it is at the forefront of technology. It will certainly keep Ballarat at the forefront of promotion of major regional centres within Australia. As I said, it has been developed as a cooperative package with significant funding committed by the state government matched by funding from the City of Ballarat. It is also supported by a package of about \$10 000 worth of vouchers for goods and services provided by Ballarat

businesses for people who newly locate to Ballarat. The people of Ballarat know they have a great place to live and a great place to do business. With the aid of the state government, Ballarat is doing very well — not just through the support of the State Revenue Office but also through support given in a range of other ways.

**The SPEAKER** — Order! The honourable member's time has expired.

### Hospitals: nurses

**Mr PLOWMAN** (Benambra) — An appalling dilemma is facing country hospitals because of the direction given to them by government to meet the nursing ratios as the result of the enterprise bargaining agreement. I will list just a few. The Wodonga hospital was asked to take on an additional 96 nurses; it recruited 42 and is now being funded for only 12.5 nurses. That hospital has been given a promise of funding if it reduces by attrition the number of additional nurses to 12.5. That has cost the hospital \$1.1 million over the past four months. The Corryong hospital has put on four nurses; it is funded for only 1.4. It is unlikely that there will be any natural attrition in this hospital over the next 12 months or two years.

It is terrible for those nurses who lost their jobs through downsizing and were then re-employed, only to be told they are going to lose their jobs again. Alpine Health has an operational deficit of \$800 000, half of which is attributed to this situation. It has three campuses in three towns. It took on an additional 15.27 nurses; it is funded for 4.5; the ratio requirement was 32. A director of nursing has come from Echuca, a nurse from Williamstown and another from St Arnaud. Some of them have sold their houses. This dilemma is facing these — —

**The SPEAKER** — Order! The honourable member's time has expired.

### Parliament: Bendigo sitting

**Ms ALLAN** (Bendigo East) — I would like to place on record my extreme appreciation and thanks to the following people who contributed enormously to the hugely successful historic sitting of the Legislative Assembly in Bendigo last Thursday.

Firstly, I thank you, Mr Speaker, and Lilian Topic, who is on your staff. I also thank the Serjeant-at-Arms and all the parliamentary staff who worked very hard, not just on the day in Bendigo but in the lead-up to the occasion. In saying that I also include the staff on this floor, the attendants and the Clerks, who also travelled on the day to make it a success.

I acknowledge the work of Karen Dowling, the parliamentary education officer, who did an enormous job coordinating and providing the resources to school groups for their visit through the chamber and the library theatre, where Parliament was on show.

The City of Greater Bendigo put in an enormous amount of work over a number of months. I acknowledge the work of Andrew Paul, the chief executive officer; his assistant, Peter Davies; the mayor, Cr Barry Ackerman; and all council staff, particularly the workers who worked around the clock to ensure that the town hall was in the magnificent state that it was last Thursday.

Finally, I thank the people of Bendigo, who came out in great support of this historic day; the local media; and the *Bendigo Advertiser*. I particularly thank the Australian Broadcasting Corporation, which put enormous resources into the day. Bendigo really got behind this fantastic and historic day, and it will — —

**The SPEAKER** — Order! The honourable member's time has expired. The time for members statements has also expired.

## BUSINESS INVESTIGATIONS (REPEAL) BILL

### *Second reading*

**Mr HULLS** (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the Business Investigations (Repeal) Bill 2001 is to repeal the Business Investigations Act 1958. The need for repeal was acknowledged following identification of the act for national competition policy review.

The act has three limbs and applies to businesses that are not conducted by a company. First, it prohibits persons hawking any interest whatsoever in certain businesses to members of the public. Secondly, it prohibits the sale of an interest in any business if the objects include acts that would be illegal if carried on in Victoria or where the establishment or continuance of the business would be illegal in Victoria. Thirdly, it permits the appointment of an inspector to investigate the affairs of a business where, for example, fraud or misfeasance is alleged. Following such an investigation the minister has wide powers, including to effect a winding up, to dispose of the business or to place it in the hands of trustees.

The act was designed to complement powers already available in respect of companies at the time it was first enacted in 1949. It has not been used for at least 20 years because it is largely redundant and its objects are achieved by more modern legislation.

For example, the act sought specifically to address the hawking of interests in bogus businesses and sale by deception of interests in businesses. Nowadays the Trade Practices Act 1974 and our own Fair Trading Act 1999 cover misleading and deceptive conduct in trade and commerce.

These measures did not exist when this act was passed in 1958. Most businesses now operate through some form of corporate vehicle. Accordingly, they are regulated by modern corporations legislation. The offering of interests in business schemes is also now regulated largely by modern corporations and securities legislation.

The minister's power to wind up, dispose of or place a business in the hands of trustees is not constrained by any criteria or guiding principles. This is not only inconsistent with best practice, but is also arbitrary, does not respect principles of natural justice and does not promote open or good government. The modern remedy is to seek an injunction under trade practices or fair trading legislation. In any event, the act's investigation powers are no longer required, since appropriate powers exist in other diverse and more specific legislation.

The repeal of the act contributes to the maintenance of an up-to-date statute book and helps to ensure that business is clear about its regulatory rights and obligations.

I commend the bill to the house.

**Debate adjourned on motion of Dr DEAN (Berwick).**

**Debate adjourned until Thursday, 6 September.**

## ESSENTIAL SERVICES COMMISSION BILL

*Second reading*

**Mr BRUMBY (Treasurer) — I move:**

That this bill be now read a second time.

The purpose of this bill is to enable the establishment of an Essential Services Commission from 1 January 2002 as an economic regulator of Victorian utilities.

This bill fulfils a key government election commitment to establish an Essential Services Commission to ensure high quality, reliable and safe provision of electricity, gas and water services for all Victorians. The establishment of the Essential Services Commission is a critical component of a suite of reforms made by this government to the essential services sector, including the establishment of an Energy and Water Ombudsman Victoria and a range of reforms arising out of the Security of Electricity Supply Taskforce report. The aim of these reforms is to protect the interests of all consumers in relation to reliable supplies of gas, water and electricity. In protecting the interests of all present and future consumers, the government recognises that the new regulatory arrangements must ensure optimal investment in essential services infrastructure. A well-planned, competitive, efficiently managed and regulated essential services sector delivers benefits to all Victorians.

The Essential Services Commission (ESC) will promote a certain and stable regulatory framework conducive to longer term investment and the financial viability of utility industries.

This important initiative will also ensure that regulation of utilities in Victoria is consistent with the government's four key pillars, in that it:

- fosters more accountable, transparent and inclusive decision making;

- provides for affordable and reliable services that are available to all Victorians, including low-income and vulnerable groups;

- provides for the whole of the state — that is urban, rural and regional users — to benefit from reforms in the regulation of essential services;

- ensures that the ESC operates in a financially disciplined and responsible manner; and

- protects the interests of utility consumers by enhancing customer advocacy arrangements.

The proposal represents an important evolution in the regulatory framework for utility industries in Victoria. It builds on the strengths of the Office of the Regulator-General's existing regulatory framework, but proposes substantive improvements in order to ensure that Victoria benefits from an essential services regulatory system that is truly world class. Key features of the Essential Services Commission to ensure it delivers on this goal include:

a focus on achieving triple bottom-line outcomes through more effective integration of economic regulation with broader environmental and social objectives;

a regulatory approach that provides strong incentives for optimal long-term investment in infrastructure;

a requirement for memoranda of understanding to be developed and published by regulators;

more effective regulatory oversight over reliability of supply of essential services as they affect Victoria; and

enhanced accountability and transparency of regulatory decision making.

This bill will be complemented with new and improved arrangements for customer advocacy, involving the establishment of an independent customer advocacy body — the Consumer Utilities Advocacy Centre — to deliver effective consumer input to regulatory processes.

The centre will ensure a world-class centre of excellence in customer advocacy research and information dissemination and work with consumer and user groups to enhance consumer advocacy on behalf of all consumers.

This is a response to consumer groups' concerns that they do not have the resources to promote informed and effective representation. The government believes that well-informed and effective consumer advocates are important in ensuring consumers, particularly those who are disadvantaged, get the best deal from their utilities — particularly in the newly competitive retail environment.

The centre will provide an interface between consumers and the commission and other regulators and will be encouraged to enter into a memorandum of understanding with the ESC. In this way the centre will ensure the voice of consumers and their advocates is heard loudly and clearly. It will also provide a forum where consumers and disadvantaged groups can come together to discuss and exchange grassroots information.

The Consumer Utilities Advocacy Centre will commence operating on 1 January 2002, coinciding with the establishment of the Essential Services Commission. To this end, the Minister for Consumer Affairs has commenced further stakeholder consultation on this important initiative.

The government has consulted widely on this important feature of the new regulatory arrangements and is

grateful for the support shown by all stakeholders for this initiative.

I now turn to the development of this legislation. The Essential Services Commission Bill has been developed in close consultation with key stakeholders, commencing with the release of a public consultation paper on 28 July 2000. This reflected the government's desire to consult widely and to carefully analyse proposals for change to the regulatory system for essential utility services, given the complex issues involved and far-reaching implications for customers, businesses and the general community.

The paper drew 72 submissions from a broad cross-section of the community, including consumer and community groups, regulated businesses and industry associations, unions, regulatory and other government bodies, and individuals. These submissions demonstrated a high level of interest in, and understanding of, the range of complex regulatory issues concerning essential utility services. They also expressed strong support for the establishment of the commission with a range of features that are encapsulated in this bill.

Based on these consultations, the government developed detailed plans to implement the ESC and its related initiatives. These plans were outlined in a proposal paper, 'Implementation of the Essential Services Commission', and an exposure draft of this bill, which were released for community comment on 7 June 2001.

The proposal paper and the exposure draft drew some 54 submissions from a broad cross-section of the community. The submissions provided a strong endorsement of the government proposals to establish the ESC and of its approach to maximise the involvement of the community in developing the new regulatory arrangements.

These submissions expressed support for the establishment of the commission with a range of features that are encapsulated in this bill. The government has also made some refinements to the draft legislation in light of responses received.

A further issue raised in the proposal paper concerned the commission's role in the regulation of export grain handling facilities built after 1995. The government considers that it is appropriate for this issue to be assessed by the ESC as part of a fundamental review of the regulation of grain handling facilities, to commence in 2002.

A key element of this proposal involves the Essential Services Commission becoming responsible for economic regulation of the water sector. The Office of

the Regulator-General currently monitors Melbourne's three water retailers' compliance with their licence conditions. However, regulation of tariffs for these authorities, together with economic regulation of Melbourne Water and Victoria's non-metropolitan and rural water authorities, is the responsibility of the Minister for Environment and Conservation. On its establishment on 1 January 2002, the commission will initially take over the ORG's limited water regulation functions, before assuming full responsibility for economic regulation of the water sector from 1 January 2003. Before this can occur there needs to be a significant overhaul of the current regulatory arrangements for the water sector, which will need to be underpinned by new legislation.

This shift of water regulation responsibility to the commission will deliver significant benefits to Victoria. It will result in a more consistent, transparent and efficient approach to the economic regulation of essential service utilities. The move to independent regulatory oversight for water utilities also ensures that Victoria meets a key water reform commitment agreed by the Council of Australian Governments.

The commission will be co-funded by government and industry on an equitable and transparent basis, with ESC establishment costs to be funded by the government. The ESC will incur one-off costs of \$5.2 million in 2001–02 for communication activities required for assisting consumers during the transition to full retail competition in electricity and gas markets. These costs are to be recovered from the licensed electricity and gas businesses.

Notwithstanding the role of the ESC in regulating water and sewerage from 1 January 2003, the government expects that the cost of ESC regulatory services will decline from 2002–03. This is because of a reduction in the overall cost of regulation and also because of the one-off nature of cost recovery for the implementation of full retail competition for electricity and gas. Therefore the government expects that from 2002–03 the budget for the ESC will decline. As a consequence there will be a reduction in the amount of money recouped from regulated businesses.

Before addressing the specific aspects of the bill, let me first summarise the key features of the commission.

Broad features of the Essential Services Commission are as follows:

- the commission will be independent from government and subsume the Office of the Regulator-General (ORG);

- it will become Victoria's economic regulator of electricity and gas distribution, certain ports and grain handling services, rail access and, from 1 January 2003, water and sewerage services;

- it will also have an enhanced role in reliability of supply, including a capacity to conduct investigations into reliability of supply issues;

- it will have an objective to protect the interests of Victorian consumers;

- it will comprise a commission structure consisting of a chairperson and additional commissioners as required;

- it will be required to be transparent in its decision making and undertake extensive stakeholder consultation;

- it will also be required to formally interface with other regulators in order to achieve integrated decision making and avoid regulatory duplication;

- it will be more accountable for its decisions, with greater scope for stakeholder involvement in appeals processes and longer time lines for hearing appeals; and

- it will be empowered to seek to impose strong penalties on utilities that do not comply with determinations or meet licence requirements.

I will now provide an outline of the bill.

Part 1 of the bill contains preliminary information, including the purpose of the act, which is to establish the commission and to provide for an economic regulatory framework for regulated industries. 'Essential services' are defined to include services provided by the electricity, gas and water industries, the ports and grain handling industries, and the rail industry. Regulated industries are also defined and encompass those currently being regulated by the Office of the Regulator-General.

Public transport will not be included within the jurisdiction of the commission. These services are subject to contractual oversight by the Department of Infrastructure and it would not be commercially or legally appropriate — at this stage — to change these arrangements.

This part also describes how the Governor in Council may, by order, declare an industry to be regulated after having regard to the existence of significant and non-transitory market power, net benefits from

regulation and the absence of similar regulatory functions being undertaken by another body.

Part 2 of the bill establishes the commission and details its objectives, functions, powers, relationship with government, corporate governance and staffing arrangements.

An essential prerequisite for effective economic regulation is that regulatory decisions are not influenced by the government of the day. Accordingly, the Essential Services Commission will be established as an independent economic regulator. The ESC's determinations, reports and inquiries will not be subject to ministerial direction or control. The minister will have the power to direct the ESC to conduct independent reviews of regulatory issues.

The commission's primary objective will be to protect the long-term interests of Victorian consumers with regard to the price, quality and reliability of essential services. In emphasising long-term interests, the government recognises that the interests of all present and future consumers are best served through regulatory arrangements that promote an optimal environment for investment in essential utility services infrastructure.

The government has also incorporated a number of facilitating objectives into the bill, which the commission will be required to have regard to in seeking to achieve its primary objective. Taken together, the primary and facilitating objectives will encourage a well-planned, competitive, efficiently managed and regulated essential services sector that delivers benefits to all Victorians. They will also ensure that, while the commission's regulatory decisions are investment focused, they fully reflect applicable environmental, safety, and social statutory requirements. These facilitating objectives are:

to facilitate efficiency in the regulated industries and the incentive for efficient long-term investment;

to facilitate the financial viability of regulated industries;

to ensure that the misuse of monopoly or non-transitory market power is prevented;

to facilitate effective competition and promote competitive market conduct;

to ensure that regulatory decision making has regard to the environmental, health, safety and social legislation applying to the regulated industry;

to ensure that users and consumers (including low-income or vulnerable customers) benefit from the gains from competition and efficiency; and

to promote consistency in regulation between states and on a national basis.

The Essential Services Commission is to be established as an economic regulator, meaning that the commission's prime focus will be on economic regulation, rather than environmental, safety or social regulation. The current regulatory framework for utility industries in Victoria involves at least 15 separate agencies at both the state and national level. Operating under a variety of legislation, codes and rules, each of these agencies is dedicated to regulating particular aspects of the activities undertaken by utility and other related industries, including economic regulation, reliability of supply, health and safety regulation, and environmental regulation.

While the government considers it appropriate that specialised bodies focus on each of these important aspects of utility services, it is concerned to ensure that decisions of regulatory agencies in relation to utilities are more closely integrated and better informed.

What this legislation does is effectively hard wire the decisions of these regulators into the commission's regulatory approach, by requiring the commission to consult with other bodies, including specialist regulators, in order to achieve a more closely integrated approach to regulation and to avoid regulatory duplication. Reciprocal obligations will also be imposed on other Victorian regulators or agencies nominated in regulations.

The commission will also be required to enter into memoranda of understanding (MOUs) — detailing respective roles and key interfaces — with other regulators that will also be prescribed in regulations. These MOUs will detail key reciprocal obligations for consultation between the commission and other regulators, and will be made publicly available. While MOUs will be prescribed for state-based regulatory bodies, the commission will be encouraged to also enter into such formalised consultation arrangements with key national bodies, such as the Australian Competition and Consumer Commission.

These initiatives will help to ensure that economic regulation is applied within an overall framework that is fully cognisant of — and consistent with — statutory requirements administered by environmental, health, safety and other specialist regulators.

The commission is responsible for setting reliability standards for distribution networks in gas and electricity. In addition to its economic regulatory functions, the commission will utilise its knowledge and expertise on service standards and reliability issues in providing informal advice to government on supply reliability issues. The commission will also — at the direction of the minister — undertake formal inquiries into reliability of supply issues. Such a role will ensure that the commission effectively complements the existing roles of commonwealth and state bodies in security of supply.

The government considers it vital that the ESC undertake its regulatory processes in a transparent and inclusive fashion. This is achieved, firstly, through a requirement for the commission to develop a charter of consultation and regulatory practice. This charter will not only ensure that the commission embraces a consultative and inclusive approach to regulation, but also that this approach is presented in a fully transparent and accessible manner. The commission will be expected to develop its charter in consultation with stakeholders, as a matter of priority.

This part also provides an explicit requirement for the commission to consult with other bodies, including specialist regulators, in order to achieve a more closely integrated approach to regulation and to avoid regulatory duplication. Similar obligations to consult with the ESC will apply to other bodies nominated in the regulations to accompany the bill.

The membership of the commission, as detailed in this part of the bill, will comprise a full-time chair, with additional full-time and part-time commissioners as required. All positions will be appointed by the Governor in Council, with details of the tenures of such positions set out in the bill. The broad process for decision making is also set out in this part, including convening of meetings of the commission and voting on determinations.

On its establishment on 1 January 2002, the government intends that the ESC will have a chairperson and two part-time commissioners. Furthermore, from 1 January 2002, the ESC will, where feasible, include all statutory office-holders in collective decision making.

Part 3 defines the commission's specific powers, which include price regulation, setting standards and conditions of service and supply, licensing and market conduct. A key concern of regulated businesses is that the regulatory process, and in particular price determinations for prescribed goods and services, need

to be conducted in a transparent manner. Accordingly, a range of factors that the commission must have regard to in making determinations is listed in this part. These are:

the particular circumstances of the industry and declared services for which the determination is being made;

the costs of making, producing or supplying the goods or services;

the cost of complying with environmental, health, safety and social legislation which applies to the regulated industry;

the return on assets in the regulated industry;

any relevant interstate and international benchmarks for prices, costs and return on assets in comparable industries;

the financial implications of the determination for the regulated industry;

any factors specified in the relevant legislation; and

any other factors that the commission considers relevant.

These factors will ensure that the commission is able to adopt a tailored regulatory approach that takes into account the particular characteristics of the industry concerned, including regional factors. This approach will also be fully cognisant of all costs involved in producing the service and importantly, of the financial implications of the determination for the industry. In essence, the commission's regulatory approach will be strongly focused on facilitating optimum long-term infrastructure investment in Victoria and financially viable regulated industries.

In making a price determination, the commission will also need to ensure that:

wherever possible the costs of regulation do not exceed the benefits; and

decisions take into account and clearly articulate any trade-off between costs and service standards.

While the government does not consider it appropriate to constrain the regulator to the extent of prescribing a regulatory methodology, the factors that the ESC will need to take into account, along with requirements under relevant industry legislation will move the commission further in the direction of an

incentive-based approach to regulation that is efficient, cost effective and transparent.

Part 4 of the bill is concerned with the commission's powers in relation to collection and use of information. To ensure that the commission is accountable in the use of such powers, any requirement of the commission for a person to provide information, or decision by the commission to disclose information that has been provided on the basis that it is confidential or commercially sensitive, will be subject to the right of appeal.

Parts 5 and 6 deal with the commission's function to undertake inquiries and prepare reports.

Part 5 outlines basic procedural requirements to be followed by the commission when undertaking inquiries and reports, including requirements for public consultation and reporting.

Part 6 deals with ministerial directions to the commission to undertake specific inquiries and prepare reports. This part contains provisions enabling the minister responsible for electricity and gas industry legislation, after consulting with the minister responsible for this act, to specify the commission's objective in relation to an investigation undertaken in accordance with such a direction. These provisions have been retained from the Office of the Regulator-General Act to enable the government to direct the commission to undertake specific investigations of the impacts of full retail competition for electricity and gas. These provisions are for the purpose of protecting consumers during the transition to full retail competition in these industries and will expire on 31 August 2004.

Part 7 of the bill contains a number of general provisions, including processes concerning enforcement orders and appeals.

I have already outlined a number of key features of the Essential Services Commission and the regulatory system it will administer that are designed to facilitate an optimal level of long-term investment by regulated industries providing essential utility services. However, the government also fully understands the importance of these industries to their customers and has accordingly increased penalties under this bill for noncompliance with determinations of the commission or breaches of licence conditions.

Penalties in such cases have been increased from \$100 000 under the previous act to a maximum \$500 000 under this bill, and from \$10 000 per day to \$50 000 per day for continuing noncompliance. These

revised penalties provide the appropriate balance between a regulatory approach that encourages and facilitates investment in essential services, and one that recognises the potential for serious adverse community impacts in the event of serious noncompliance. The new penalties are also more consistent with those applying in other jurisdictions. Other penalties for information-related breaches of the Essential Services Commission Act have been amended, with increased fines and limiting the option of a custodial sentence to cases involving the deliberate provision of false or misleading information.

Part 7 also contains reformed appeals provisions, which among other things considerably extend the time lines for hearing of appeals. These changes are partly in response to concerns raised by regulated businesses over the adequacy of current time lines for appeals under the ORG act and also reflect the often complex nature of economic regulation.

Time lines for appeals against determinations made by the commission will be extended from the current 14 days under the ORG act to 30 working days, with the option of an additional 15 working days if required. In addition, appeal arrangements have been reformed to allow for participation by interested parties and define a clear role for the commission as the proper contradictor in appeal proceedings. The government has also recently expanded the size of the appeal panel pool from 12 persons to 24 persons.

Draft regulations dealing with procedural matters of appeals and other matters were included in the government's proposal paper and will be completed prior to part 7 of this bill coming into operation.

This part also requires the minister to complete a review of the act's objectives within five years of the commencement of this provision. This will not be a broad review of the commission, but rather is intended to assess whether the act's objectives and processes need to be finetuned.

Part 8 of the bill deals with matters relating to the transition from the Office of the Regulator-General to the commission and details consequential amendments to other legislation.

Finally, parts 9 to 15 provide a range of amendments to relevant industry legislation. Without, in this speech, going into the fine detail of these amendments, I wish to highlight three significant changes.

Firstly, new objectives for the commission have been substituted into the Electricity Industry Act 2000 and the Gas Industry Act 2001. The objectives are, (a), to

the extent that is efficient and practicable to do so, to promote consistent regulatory approaches for the electricity and gas industries, and (b), to promote the development of full retail competition in electricity and gas markets. The effect of these changes is to remove any duplication between the regulator's current objectives under these industry acts and the objectives under the Essential Services Commission Act, thereby providing a more complementary framework of objectives.

Secondly, the Grain Handling and Storage Act 1995 and the Port Services Act 1995 have each been amended to include licensing provisions. These licensing arrangements have been tailored to the circumstances of these regulated industries and have been designed to impose minimal compliance costs. As foreshadowed in the government's proposal paper for the establishment of the ESC, these arrangements will, among other things, enable the regulator to recover costs related to regulating these industries. The Water Industry Act 1994 will also be amended to include a licence surcharge which, consistent with other regulated industries, will be based on the costs incurred by the commission in regulating the water sector.

Thirdly, it will now be the responsibility of the minister administering the Essential Services Commission Act, and not the commission itself, to determine whether grain and ports facilities are regulated. This will ensure that threshold decisions on whether regulation is appropriate are made by government, with the commission responsible for administering regulatory approaches in line with its statutory objectives, functions and powers.

In respect of all the industry acts, the bill clarifies that the minister responsible for setting licence fees and charges is the minister responsible for administering the Essential Services Commission Act, after consultation with the minister responsible for the relevant industry act. In determining appropriate fees and charges, the minister will have regard to the total costs of the commission that are incurred, or likely to be incurred, in administering its regulatory responsibilities in respect of the particular regulated industry.

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reasons why the bill alters or varies section 85.

Clause 63 of the bill provides that it is the intention of clauses 44(7), 51(7) or 62(1) to alter or vary section 85 of the Constitution Act 1975.

Clauses 44(7) and 51(7) of the bill preserve provisions of the Office of the Regulator-General Act 1994 and continue to exclude civil proceedings for damage that may be suffered in respect of the provision of information or documents, in the context of an investigation or inquiry by the commission. The reason for limiting the jurisdiction of the Supreme Court with respect to these matters is to give persons who wish to make statements or provide information a degree of confidence that their statements or information can be made or given without fear of litigation. This is likely to enhance the quality of the submissions and information made available to the commission, and thus enhance the quality of its reports and decisions.

Clause 62(1) of the bill provides, as does the corresponding provision in the Office of the Regulator-General Act 1994, that proceedings cannot be brought in respect of a determination or provisional or final order except on the grounds that there was no power to make the determination or order or that the procedural requirements in relation to the making of the determination or order have not been complied with. The government believes that this clause does not preclude questions of errors of law being considered by the court. The bill provides for an improved appeals process, which will satisfy the requirements of appellants being given a fair hearing and a considered decision on any appeal being made.

It is necessary to ensure that where the commission makes orders regarding compliance with determinations or with the terms of any licence, such orders should operate without risk of questions challenging the substance of the order being referred to court, except on the grounds outlined above. This is necessary to ensure that legitimate regulatory decisions are directly and effectively enforceable and that in turn, the integrity of the regulatory framework administered by the commission is maintained.

In conclusion, this legislation has been developed after an extensive public consultation process with key stakeholder groups.

The development of the ESC legislation and related reforms has been a very significant and complex undertaking. I would like to thank Mr John Lenders, MP, Parliamentary Secretary for Treasury and Finance, for playing a key role in consulting with the community in the development of the ESC proposal and legislation. I would also like to thank the Department of Treasury and Finance and its ESC project group — headed up by Dr Stephen Rimmer — for providing high-quality and insightful advice to the government regarding the ESC.

In establishing a new and improved utility regulator for Victoria, this bill embodies the government's commitment to delivering triple bottom-line outcomes within a regulatory climate that pushes the boundaries of world's best practice. It will provide greater consumer protection and access to decision-making processes and provide greater certainty and predicability for long-term investment in viable utility infrastructure. It will also enhance service reliability and facilitate a regulatory approach that closely integrates economic, health, safety, environmental and social aspirations.

I commend the bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 6 September.**

### PERSONAL EXPLANATION

**Mr BRACKS (Premier)** — In response to a question from the Leader of the Opposition yesterday I stated that the government was employing 3900 nurses. This was an incorrect figure and was simply a slip of the tongue. As has been reported to the house previously, the government is employing an extra 2300 nurses.

### COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) (AMENDMENT) BILL

*Second reading*

**Mr BRACKS (Premier)** — I move:

That this bill be now read a second time.

The Commonwealth Powers (Industrial Relations) (Amendment) Bill 2001 proposes to amend the Commonwealth Powers (Industrial Relations) Act 1996 to refer further matters relating to industrial relations to the commonwealth.

These additional matters are a power for the Australian Industrial Relations Commission to make common rule awards in this state, and the extension of employment protections to outworkers.

The bill is an integral part of this government's commitment to fairness and equity and to restoring the balance in Victorian workplaces.

In 1996 the Kennett government referred some industrial relations powers to the commonwealth. It

said this would create a unitary industrial relations system. The opposite has been true. Victoria has had a two-tiered system of industrial relations. At one level, the award-based system with 20 allowable matters. At the second level, there is a seriously disadvantaged class of employees covered by schedule 1A of the federal Workplace Relations Act.

This schedule 1A system applies to approximately 33 per cent of the Victorian work force — some 561 000 employees. Leaving aside professional and managerial employees, it is estimated that around 250 000 employees receive only five minimum employment entitlements under schedule 1A.

Let us compare the schedule 1A system to the federal award system:

five entitlements, compared to 20 allowable award matters;

schedule 1A employees can be required to work an unlimited number of hours, day or night, seven days a week, 365 days a year. Federal awards contain provisions about what constitute ordinary hours of work;

schedule 1A employees have no entitlement to overtime or other rates for work outside of ordinary hours. Federal awards can contain overtime, weekend and public holiday rates of pay;

schedule 1A employees have no minimum entitlement to redundancy pay;

schedule 1A employees have no entitlement to rest breaks;

schedule 1A employees' minimum employment conditions cannot be altered or added to, except for possible minimum wage rate changes. Federal awards can be altered following submissions of parties and consideration by the commission, to take account of changing circumstances.

In addition, a further group of workers, outworkers, are entirely unprotected by legislation or minimum standards. Their plight is exacerbated because they work from their homes and do not work in public work premises. Proposed commonwealth provisions would keep up the pretence that these workers are contractors and merely provide a minimum hourly rate of pay and no other conditions. This is entirely inadequate and provides no practical assistance to the plight of these workers. It is also inconsistent with legislation in other states that properly deems outworkers to be employees.

This further referral in this bill will give the commonwealth the legislative power to finally end the discrimination faced by both schedule 1A employees and outworkers. The sad situation faced by these disadvantaged workers has recently been acknowledged by the Australian Industrial Relations Commission, the long-time independent umpire in industrial relations in this country. In its 10 August 2001 state minimum wages order decision, a full bench of the commission said:

We accept that a significant proportion of schedule 1A employees are low paid and that they do not enjoy the range of employment conditions commonly enjoyed by federal award employees ...

This legislation before the house today will enable the federal Parliament to right this inherent wrong. It will enable the Workplace Relations Act to be amended to provide minimum employment conditions for Victorian workers that are comparable to those in other states and territories.

The opposition parties previously refused to allow a state remedy to this situation by obstructing the passage of this government's Fair Employment Bill in the upper house. The bill before this house today gives them a fresh opportunity to provide fair and reasonable working conditions for all Victorians, through the federal system.

I now turn to the key features of the Commonwealth Powers (Industrial Relations) (Amendment) Bill.

### **Purpose of the bill**

The bill amends the Commonwealth Powers (Industrial Relations) Act 1996. This is state legislation that referred certain Victorian industrial relations powers to the commonwealth in 1996. The amendments provide for the referral of a common rule award-making power and certain matters in respect of outworkers.

### **Commencement**

The bill will come into operation on a day or days to be proclaimed.

The commencement of the bill is conditional on the introduction of relevant legislation in the federal Parliament. This is consistent with the process for the 1996 referral legislation. A proclamation will be made once the Governor in Council is satisfied that a bill has been introduced into the commonwealth Parliament that contains provisions that relate to the additional matters referred.

### **Definitions**

The bill provides a comprehensive definition of 'industry' to enable the proposed common rule referral to operate effectively. This definition is consistent with that in the federal Workplace Relations Act.

'Outworker' is defined to be a person engaged for someone else's industry in or about a private residence or other premises that are not necessarily business or commercial premises to pack, process or work on articles or material. This definition is broad to ensure that all such outworkers are protected. These outworkers are most often engaged in the clothing, textile and footwear industries. This will operate in conjunction with clause 7.

Other definitions enable the operation of these provisions.

### **Common rule**

Currently, federal awards in Victoria and other states apply only to employers that are specifically referred to in the award, or are members of organisations referred to. In the territories, where there are no territorial tribunals or awards, the commission can make common rule awards, which apply across an industry rather than only to named employers and organisations. This is possible because of the greater constitutional power the commonwealth has in respect of territories.

When the Kennett Government referred industrial relations powers to the commonwealth in 1996, the power to declare or make common rule awards was specifically excluded. Consequently, the Australian Industrial Relations Commission (AIRC) cannot make common rule awards in respect of Victoria. This condemns employees who do not work at workplaces named in federal awards to the paltry minima in schedule 1A. The bill will give the commonwealth legislative power to allow the AIRC to make relevant federal common rule awards in Victoria.

The bill also provides for a Governor-in-Council proclamation to terminate this reference should this be needed in the future.

### **Outworkers as employees**

The bill provides for the application of all matters previously referred and proposed to be referred to also apply to outworkers, but only to the extent that outworkers are treated as if they were employees.

The bill is explicit in only giving the commonwealth power to treat outworkers in the same manner and to the

same extent as if they were employees. This precludes the power of the commonwealth to regulate them as contractors, and reflects the situation recognised in other states, which is that whatever label is attached to the contract under which outworkers are engaged, they are in reality employees.

The bill also provides for a Governor-in-Council proclamation to terminate the reference should this be needed in the future.

### Summary

The bill will provide the commonwealth with the capacity to address the most obvious and unfair disadvantages suffered by Victorian schedule 1A employees and outworkers. The referral of these further powers is consistent with the government's key policy of having a fair national award-based system of industrial relations.

The referral will allow the commonwealth to provide Victorian industries with a fair, uniform standard of minimum conditions, rather than having some workplaces covered by federal awards and others in the same industry with virtually no minimum employment conditions. This uniform standard can be provided by allowing for the making of common rule awards.

This further referral will also allow the commonwealth to provide employment conditions to outworkers in the same way that they are provided to other employees.

I commend the bill to the house.

**Debate adjourned on motion of Dr DEAN (Berwick).**

**Mr BRACKS (Premier)** — I move:

That the debate be adjourned until Thursday, 6 September.

**Dr DEAN (Berwick)** — On the matter of time, Mr Acting Speaker, I ask the Premier to give an assurance that the shadow minister will have access to the department and all the appropriate assistance. It is strange that this bill is being introduced here when both the minister and the shadow minister are in another place. One wonders why that is. It is incumbent on me to ensure that the shadow minister in the other place has appropriate access to all the department information to enable him to instruct whoever will be responsible in this house — it may well be me — to ensure the debate is carried out here in an appropriate manner.

It is a very important piece of legislation, because the government is effectively in a position where it wants these powers transferred to the commonwealth, which is rowing in the stream in the opposite direction from

which it has rowed for some time. It is surprising that it is facing the issue and stating that it has confidence in the federal government's capacity to run with it. The government believes employees will get a better deal from the federal government.

The bill is important and unusual, and it has been introduced in a strange way. I ask the Premier to give an assurance that the resources required by the shadow minister in the other place will be provided.

**Mr BRACKS (Premier)** (*By leave*) — In response to the honourable member's request, the government will provide all the government resources available to the opposition's industrial relations spokespersons in this and the other place. They will be made available in the intervening time. The reason the bill has been introduced into this house and not the upper house is that the other house is not due to sit for another two weeks.

**Mr Steggall** — You've got no other legislation ready, that is why.

**Mr BRACKS** — No, it is important to progress the legislation. The upper house is not due to sit for another two weeks. The government is very happy to provide that information to the opposition.

**Mr Ashley** — Including briefings?

**Mr BRACKS** — Yes, including briefings.

**Motion agreed to and debate adjourned until Thursday, 6 September.**

## COMMONWEALTH GAMES ARRANGEMENTS BILL

### *Second reading*

**Mr BRACKS (Premier)** — I move:

That this bill be now read a second time.

It is with pleasure that I introduce this bill marking the conduct in Victoria of a sporting event of the utmost significance. Even allowing for the regular staging of grands prix, football competitions and horseracing carnivals, not since the Olympic Games of 1956 has Victoria been host to such an important sporting event. Accordingly, the bill reflects the government's determination that, 'Our successful bid must now be followed up by an organising effort that is fully representative of the Victorian community and ensures the building of all necessary facilities'.

The 2006 Commonwealth Games are scheduled to be held in Melbourne from 15 March to 26 March 2006.

The development of a legislative framework is necessary to enable the preparation for, and staging of, the games.

It is pleasing to note that there is bipartisan agreement from my parliamentary colleagues to the holding of this great event for Victoria. This support also includes ensuring the timely preparation for the staging of the games through specific games-related legislation.

The Commonwealth Games Arrangements Bill is designed to:

ensure a legislative framework to enable preparation for and staging of the Commonwealth Games in Melbourne in 2006;

streamline the planning and approvals processes for the MCG redevelopment, games village and Melbourne Sports and Aquatic Centre (MSAC) new competition pool and any other facilities associated with the 2006 Commonwealth Games;

manage the financial risks associated through the timely provision of facilities and services for the 2006 Commonwealth Games and provide a level of certainty internationally in Victoria's ability to hold a successful games;

provide the capacity to accommodate other legislative issues associated with the games through amendment at a later date including such things as marketing protection and other event-specific matters.

The substantial preparations necessary to stage the games will need to be undertaken in the context of a time frame that is not negotiable.

The purpose of this bill is to put in place a legislative framework that immediately facilitates the development and construction of permanent facilities for the games, such as the redevelopment of the MCG, the construction of a games village and the expansion of MSAC.

In addition to permanent construction works, marketing, organisational arrangements, some administrative processes and general powers to enable the staging of the games will be accommodated through legislative amendment at a later date.

The Commonwealth Games will provide a lasting legacy for Victorians by facilitating the construction of

additional facilities capable of not only holding major events but for use by all Victorians. The development of these facilities will stimulate the building and construction industries in Victoria and result in more jobs. In addition, it will assist in fostering the sport and recreation sector as a provider of greater employment opportunities for Victorians.

The legislation has been drafted specific to all 2006 Commonwealth Games facilities, including the MCG redevelopment, MSAC development and the games village, to provide a streamlined and consistent approval process under consistent legislation. Thus, instead of amending existing state legislation, the bill constitutes a single enactment governing the preparation for, and staging of, the games that can be sunset following the games.

The paramount issue is the timely preparation for a successful staging of the Commonwealth Games. The Sydney approach to the 2000 Olympic Games was to enact a number of pieces of legislation, in effect, dealing with policy issues as they arose. As with the Olympics legislation, this bill reflects an overriding public interest in the successful staging of the event. To support this public interest, the legislation, in effect, streamlines procedural requirements, focuses on substantive matters and provides flexibility and responsiveness through a system of ministerial orders.

The legislation is envisaged ultimately to have four substantive parts dealing with administrative processes, construction works, marketing, and general powers necessary for the staging of the games period. At this time, the bill is primarily concerned with construction works. The other sections will be the subject of later amendment to the act.

The bill encompasses the arrangements necessary for development and construction works for games venues and for the conduct of the games. In this regard, an appropriate level of authority is vested in the minister administering the act to make orders facilitating the preparations for the games.

Part 2 of the bill provides an administrative process whereby the minister receives advice from an advisory committee established under the act. The committee will consider development and construction works proposals for facilities for games venues according to procedures appropriate to achieving the objectives of timeliness and simplicity. The committee process will ensure public consultation on construction works. The committee will take reasonable steps to consult with interested persons or bodies and consider their representations. The ministerial order system is

virtually an alternative compliance mechanism to the specific processes set out in existing legislation.

The MCG redevelopment project cannot be suspended pending passage of the legislation, as the facility would not be completed in time for the games. Consequently, it is intended that advancement of the project, particularly to enable public consultation to occur, will be facilitated by commencement of procedures similar to section 151 of the Planning and Environment Act 1987. Rather than using the section 151 mechanism, it is intended that the Minister for Sport and Recreation will, administratively, establish a committee to advance the MCG project. The authority for construction works, including the MCG redevelopment project, will be derived from the bill. Consequently, the work of the minister's committee appointed for the MCG project will, in effect, be taken over by an advisory committee appointed under the bill when enacted. From being a project commenced under administrative arrangements, it will become a Commonwealth Games arrangements project and action on its report taken by the minister under the ministerial order system.

The advisory committee process will ensure that the minister is given appropriate advice prior to making an order. The bill makes provision for the establishment, appointment and procedures of advisory committees. Advisory committees will be constituted by persons with expertise appropriate to the subject matter of the particular order.

Part 3 of the bill makes provision so that the minister may, by order published in the *Government Gazette*:

- (a) declare an area to be a Commonwealth Games venue, either permanent or temporary;
- (b) declare an area for the development and construction of facilities at or for a games venue project;
- (c) after giving full consideration to a report of an advisory committee, and being satisfied that there has been reasonable consultation and regard has been had to reasonable representations, approve the development and construction proposal for a facility for a games venue;
- (d) declare a designated access area for development and construction of a facility at a games venue.

The orders will be tabled in the Parliament.

It is intended that this bill will be the sole legislation dealing with arrangements for the Commonwealth Games. Consequently, part 3 makes provision to override certain laws to facilitate the developments so that in the event of any inconsistency the bill will prevail. In particular, these provisions deal with the following acts: Crown Land (Reserves) Act 1978; Planning and Environment Act 1987; Coastal Management Act 1995; Environment Effects Act 1978; Land Act 1958; and the Heritage Act 1995.

The bill contains a number of provisions necessary to facilitate construction. Thus, part 4 encompasses powers and duties relating to obtaining and disposing of land for the purposes of Commonwealth Games projects, compensation or restoration where interests in land are affected, execution of government guarantees and temporary closure of roads. Many of these provisions, in effect, mirror those in the Project Development and Construction Management Act 1994.

Part 5 of the bill regulates matters essential to the integrity of Commonwealth Games construction sites and access to those sites. The provisions include cordoning off, authority to enter and removal of unauthorised persons from such areas.

Part 6 of the bill enables regulations to be made. It also provides for the sunseting of the legislation on 31 December 2006, reflecting the specific-purpose nature of the bill.

The bill provides that part of Yarra Park be available for development and construction of a facility for a games venue, which will be declared by ministerial order. Any portion of Yarra Park that is needed for temporary or permanent works will be determined by the minister responsible for the act in consultation with the Minister for Environment and Conservation.

The MCG redevelopment will be the initial project to be advanced through the legislation, and as such will provide the blueprint for later projects. Part 7 of the bill makes specific amendment of the Melbourne Cricket Ground Act 1933 in relation to the new northern stand with provisions similar to those in place for the earlier construction of the southern stand. Although commencing before passage of the legislation, the MCG redevelopment will be ultimately progressed through the processes of the advisory committee and the ministerial order system.

The Melbourne Cricket Ground (MCG) holds a special place in the hearts of all Victorians. It is one of Australia's greatest sporting venues and has hosted significant state, national and international events like

AFL grand finals, Boxing Day tests, the 1956 Olympics and more recently seven games of the 2000 Sydney Olympics football tournament. These and many more events have enabled the venue to be recognised worldwide.

The MCG has recently found itself in a more competitive market with the development of new stadiums and the evolution of event and facility standards through new stadiums in Australia, which has challenged its long-term viability and position as the best sports venue in Australia.

To enable Victoria to continue to be Australia's sporting capital the state needs to be able to provide the best facilities for events, competitors and spectators. This government has accepted this challenge and is keen to see the MCG remain the pre-eminent sporting venue in Australia.

Victoria as a whole will also stand to benefit from the redevelopment of the MCG, as the state's capacity to host major events will be improved by the increased standards of the MCG. As the proposed main venue for the 2006 Commonwealth Games and host ground of other major events, the capacity and quality of the MCG is central to successfully bidding for and acquiring hallmark events.

The government is also keen to ensure that the MCG remains truly the people's ground and that any redevelopment does not diminish amenity and access for the general public. As such certain criteria have been placed on the redevelopment that will ensure that it is turned into a venue for the general public.

The redevelopment of the MCG should remain within the existing footprint of the MCG and any requirement for the use of Yarra Park will be considered in the context of 'no net loss of open space'. The area shown in the proposed bill meets this requirement by ensuring that the development takes place on what predominantly is hard stand and car park area. To compensate for this a proportion of the existing car park will be returned to open space.

During the redevelopment of the MCG some mature trees will be relocated and re-positioned once construction has been completed. Also, trees in the construction area will be protected.

Since it opened in July 1997, MSAC has had approximately 4.3 million visitors utilise the centre, creating one of the busiest multi-sports venues in Australia. Last year alone MSAC had an average daily attendance of 3805 visitors.

**An honourable member** interjected.

**Mr BRACKS** — That does not seem to be high enough.

**An honourable member** interjected.

**Mr BRACKS** — Oh, it's visitors other than those using it.

MSAC has been identified as the preferred site for the 2006 Commonwealth Games aquatic program, and as such the Melbourne 2006 Commonwealth Games organising committee has specified that a pool with a minimum capacity of 10 000 seats is required for the games.

MSAC is currently the premier major aquatic events venue in Victoria but it does not have a competition pool suitable in seating capacity to host the 2006 Commonwealth Games or other major events.

The government intends to rectify this by expanding MSAC by constructing an outdoor permanently roofed competition pool with permanent seating for 3000 spectators while capable of providing a capacity of up to 12 000 temporary seats. This will meet Melbourne 2006 Commonwealth Games Organising Committee requirements. In addition the proposal will provide additional leisure water space, improved spectator and patron access, improved car parking facilities and would enable the old Distance Education Centre to be converted into office space for a range of different sporting groups and organisations. To enable the expansion, amendment of the State Sports Centres Act 1994 is necessary. Part 8 of the bill amends the definition of Melbourne Sports and Aquatic Centre land and makes a new area of land available for the purposes of that act.

The expansion will bring an additional 300 000 to 500 000 visitors to the centre annually and will provide a substantial increase to the sporting infrastructure of Victoria, increasing training and competition facilities for athletes and general users, and cater for the unmet demand for public access.

Considering the high status of the swimming program at the 2000 Olympics and recent swimming world championships and Australia's recognition as a world leader in swimming, a designated event pool can contribute significantly to Victoria's capacity to host major aquatic events.

Acceptance of the likely financial impacts of the games was inherent in the decision to bid for the games. The previous government is to be acknowledged for its role

in the successful bid. The budget, which accompanied the games bid, while currently under review, will provide the basis for the state's financial commitment. The budget will comprise a contribution of \$90 million from the commonwealth government and a contribution from the state government. The substantial expenditure associated with construction, administration (including technology), operations, marketing and communications will have limited balancing revenue items such as broadcasting rights, sponsorship, ticketing, licensing, fundraising and volunteers.

The legislation will encompass a major program of construction leading to substantial job opportunities. Major construction works associated with the Commonwealth Games will give rise to environmental implications. The government's policy commitment is to the conduct of an environment friendly Commonwealth Games. Practical environment solutions will be explored in the pursuit of this objective. Whilst specific environmental initiatives are yet to be determined, the thrust of the legislative framework should be such as to provide the flexibility for ease of implementation of environment initiatives.

The government is delighted to present this bill as the legislative support for an event experience of a high order and as a most substantial contribution to improved sporting facilities for Victoria.

I commend the bill to the house.

**Debate adjourned on motion of Mr McARTHUR (Monbulk).**

**Mr BRACKS** (Premier) — I move:

That the debate be adjourned until Thursday, 6 September.

**Mr McARTHUR** (Monbulk) — On the issue of time, Mr Acting Speaker, I seek from the Premier an assurance similar to that he gave on the previous bill about appropriate briefings and access for the Liberal Party and the shadow ministers who are involved in this.

I note from the second-reading speech that the bill has an impact on six or seven different acts which fall across a range of portfolio responsibilities. I also note that the Premier said that this is an extraordinarily important project for all of Victoria and that it has been approached in a bipartisan manner. Given that the project was actually started under the previous government — which he did gracefully acknowledge, I thought — I seek an assurance from him that there will be appropriate briefings from departmental officers for

the relevant shadow ministers and that those matters will be expedited.

**Mr BRACKS** (Premier) (*By leave*) — That assurance is given. There will be an adequate briefing of opposition spokespeople, including National Party members, of course — we should not forget the National Party in those briefings. I understand that members of the National Party are also very supportive of the Commonwealth Games bid, and they will also be part of those briefings.

It is important that this bill have passage as quickly and expeditiously as possible, while having the full opportunity for debate, discussion and briefing on the bill — it is time critical. That assurance is given.

**Motion agreed to and debate adjourned until Thursday, 6 September.**

**AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL**

*Second reading*

**Mr HAMILTON** (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is the principal legislation for ensuring that the use of agricultural or veterinary chemical products does not lead to the contamination of agricultural produce and stock, or to financial losses resulting from damage to plants or stock. The act also imposes controls over the use of agricultural and veterinary chemical products to protect the environment, public health, the safety of chemical users and the health and welfare of animals.

The main purposes of this bill are to update the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to ensure that the act can continue to effectively address chemical use practices which have the potential to lead to contaminated agricultural produce or stock, as well as continuing to protect the health of users of such chemical products, the public and the environment. The bill also implements nationally agreed recommendations from the 1999 review of the legislation.

This bill represents an ongoing commitment by the government to protect Victoria's reputation for producing clean and green food. It underpins the

government's Naturally Victorian marketing initiative to enhance Victoria's agricultural exports, whilst ensuring that increases in agricultural exports are achieved in an ecologically sustainable manner.

The bill has been developed through consultation with the Victorian Agricultural Chemicals Advisory Committee. This committee is established under the Act to provide key stakeholder input into the legislation controlling agricultural chemicals in Victoria. The committee represents the interests of primary producers, aerial and ground-based chemical applicators, local government, chemical manufacturers, consumers and environmental interests.

The aspects of the bill that deal with veterinary practitioners are to implement nationally agreed controls over the use of veterinary chemical products. These parts of the bill have been developed in consultation with the Veterinary Practitioners Registration Board of Victoria, which has endorsed the proposed amendments.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is a part of a partnership between the state and commonwealth governments, and supports the national registration scheme for agricultural and veterinary chemicals.

The national registration scheme serves to ensure that only agricultural or veterinary chemical products which meet the standards of the national registration authority are available for sale in Australia. The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 aims to ensure that people who use agricultural or veterinary chemical products, which are made available in Victoria by the national registration scheme, use those chemical products in a safe and responsible manner. The act supports the national registration scheme by providing for the control of the aspects of the use of agricultural and veterinary chemical products that have the potential to lead to adverse consequences.

When agricultural or veterinary chemical products are approved for sale by the National Registration Authority for Agricultural and Veterinary Chemicals, a specific label is required to be placed on each chemical product. This label contains certain information that is critical to the safe and effective use of the product. The label also contains specific instructions to ensure that the use of the chemical product does not result in agricultural produce containing unacceptable levels of chemical residues, or adverse environmental impacts.

The bill extends the provisions of the act that provide for compliance with specific statements that appear on

the label of a chemical product. This occurs when such statements are identified as mandatory in order to prevent the production of contaminated agricultural produce, or to protect plants, animals, the user, the public or the environment.

The bill amends the act to prohibit the use of chemical products intended for use on animals being used on plants. It also prohibits the use of chemical products intended to be used on plants from being used in the treatment of animals. An exception to the latter provision is provided to veterinary practitioners; however, this is to be limited to the treatment of individual animals in the course of the practice of their profession.

The bill also amends the act to limit veterinary practitioners in their use of chemical products that have not been approved by the national registration authority. In such cases veterinary practitioners will be limited to the treatment of individual animals in the course of the practice of their profession.

The bill strengthens controls which provide for acceptable standards in relation to agricultural spraying. This is aimed at avoiding adverse effects that may arise from off-target agricultural spraying. The bill provides for the protection of primary producers from off-target spraying which results in the contamination of agricultural produce or stock. This provision is to ensure that primary producers who are targeting markets for clean and green agricultural produce both in Australia and overseas are not disadvantaged by poor practices in relation to agricultural spraying undertaken on adjoining properties.

The bill extends the existing offences for providing false or misleading information in relation to the use of a chemical product. An offence will also apply to the provision of false or misleading information concerning the circumstances in which the product is to be applied. This provision only applies to cases where such information would cause a person who relies on the information to commit an offence under the act, or to contaminate or damage agricultural produce or stock.

The bill extends controls on contaminated agricultural produce, fertilisers and stock food. This will be achieved through new powers to issue notices and make regulations controlling the sale, handling, use, transport and disposal of contaminated agricultural produce, stock food or fertilisers.

The bill repeals the section of the act that provides for the secretary to provide statements as to whether plants or stock have been damaged by agricultural spraying.

This section has not been operated for a number of years, as this function is being fulfilled by the private sector.

The bill extends the powers of authorised officers to allow for the effective enforcement of compliance with the act, and regulations and orders made under the act. These provisions include the power to enter and search a premise with the written consent of the occupier, or in cases where there is evidence to indicate that the act has been contravened, power to obtain search warrants.

The bill provides for fees collected under the act in relation to licences and permits to be made available for assessing applications, monitoring operational standards of licensed chemical applicators, and monitoring compliance with and generally administering the act.

The bill benefits industry, regulatory bodies and consumers by ensuring that the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 can continue to control the identified risks associated with the use of agricultural and veterinary chemical products.

This legislative foundation is necessary to support Victoria's reputation for clean food production and to meet increasing demands of Australian and international consumers for clean and green food products.

I commend the bill to the house.

**Debate adjourned on motion of Mr McARTHUR (Monbulk).**

**Debate adjourned until Thursday, 6 September.**

## GENE TECHNOLOGY BILL

### *Second reading*

**Mr THWAITES (Minister for Health) — I move:**

That this bill be now read a second time.

The Victorian government has described its commitment to embracing the opportunities that gene technology brings to Victoria in the recently released document 'Biotechnology: a strategic development plan for Victoria'.

This commitment is underpinned by the recognition that real and sustainable industry development can occur only where there is a transparent and coherent process to protect the public's health and safety and the

environment from any risks associated with the use of gene technology and to incorporate community views on the ethical issues associated with this new technology.

The Gene Technology Bill 2001 is the Victorian component of a national system regulating all activities involving genetically modified organisms. With the passage of the Gene Technology Bill, Victoria will ensure the independent national regulator of genetically modified organisms (GMOs), established under the commonwealth Gene Technology Act 2000, has the power to act in this state wherever and whenever gene technology is used in research, development or manufacture of a product.

Without state level legislation, the national regulatory framework will not operate comprehensively, as the commonwealth does not have the constitutional power to regulate all dealings with gene technology such as those which may be carried out by individuals, state agencies and institutions that are not working with or through corporations. State legislation ensures that all dealings with the technology are covered in the one national scheme of complementary commonwealth, state and territory legislation.

The national scheme represents the regulatory system preferred by all states and territories. The commonwealth Gene Technology Act 2000 was passed with bipartisan support. Tasmania has already passed its state level legislation.

Throughout the development of the national approach there was extensive community consultation.

The national Gene Technology Regulator has been established as an independent statutory office-holder with powers akin to an Auditor-General or Ombudsman.

The processes carried out by the commonwealth regulator and described in this state bill are transparent. Applications received by the regulator which involve the intentional release of a genetically modified organism into the environment and which may pose risks to public health and safety or the environment will be open for public comment. The details of a licence granted by the regulator will be available for public scrutiny on the record of GMO and GM product dealings.

The national approach is to rigorously and scientifically assess risks associated with the use of gene technology.

The bill will enable the Ministerial Council on Gene Technology, established under the Gene Technology

Agreement, to issue policy principles in relation to ethical issues concerning dealings with genetically modified organisms, in relation to recognising any areas designated 'GE free' for marketing purposes and may also issue codes of practice.

The bill describes the functions and powers of the Gene Technology Regulator. One of the regulator's key functions is to authorise specific dealings with genetically modified organisms.

All dealings with genetically modified organisms will be prohibited unless that dealing is authorised by a licence or the dealing is a notifiable low-risk dealing, or an exempt dealing as prescribed in the regulations, or is included in the GMO register established under the commonwealth act.

Before issuing a licence, the regulator will be required to prepare a risk assessment and risk management plan with respect to the dealings proposed to be authorised by the licence.

The regulator will also be required to seek advice from certain agencies or bodies, including the state, other commonwealth agencies, relevant local government councils and its own scientific advisory committee when the proposed use involves the intentional release of the GMO into the environment.

The regulator must invite public submissions and may hold a public meeting on the risk assessment and risk management plans prepared by the regulator.

The Gene Technology Regulator will be prohibited from issuing any licence unless she or he is satisfied that any risks posed by the dealings proposed to be authorised by the licence can be managed in a way that protects public health and safety and the environment.

The regulator will also be prohibited from issuing a licence unless he or she is satisfied that the proposed dealing is consistent with any policy principle issued by the ministerial council and the applicant is a suitable person to hold a licence.

The bill will enable regulations to be made that declare certain dealings with GMOs to be notifiable low-risk dealings.

The bill describes the functions of three advisory committees which will advise the Gene Technology Regulator and the ministerial council on scientific, ethical and community concerns.

The bill provides for financial transfers between the regulator and the state and credits to the gene

technology account together with various reporting obligations on the regulator.

The bill enables the regulator to give directions to a licence holder, or to a person covered by a licence. It also provides powers of inspection in relation to monitoring and offences, the powers and obligations of inspectors and procedures relating to warrants.

This government recognises the great potential biotechnology holds for this state. In terms of realising the potential health, agriculture, industry, primary production and environmental benefits of utilising this technology, we have only begun the journey. However, it is equally true that the community is concerned, and rightly so, with the ethical and moral issues raised with the use of gene technology or related technologies.

Six years ago Victoria was one of the first states to adopt legislation — the Infertility Treatment Act 1995 — that prohibited any form of human cloning and experiments mixing animal and human sex cells. We are still one of only three states with such legislation. As the prohibition on human cloning is already enshrined in our state laws, the bill before the house does not include the provisions of the commonwealth Gene Technology Act 2000 that achieve the same end. When proposed national legislative uniformity banning cloning is achieved, the commonwealth has stated it will repeal the provisions relating to human cloning within their gene technology legislation. The community can be assured that this process will not in any way detract from Victoria's strict stance against human cloning or relax the legislative controls in place in this state to stop such practices.

With the passage of this bill Victoria will ensure any and all dealings with gene technology will be subject to an appropriate level of scientific and public scrutiny to ensure adequate protection of the public health and safety of our community and the unique environment of our state.

I commend the bill to the house.

**Debate adjourned on motion of Mr McARTHUR (Monbulk).**

**Debate adjourned until Thursday, 6 September.**

## COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from 21 August; motion of  
Ms CAMPBELL (Minister for Community Services).**

**Mrs ELLIOTT (Mooroolbark)** — In resuming the debate on the bill, which seems to have a longer life than the Queen Mother in terms of its implementation, I briefly refer to my contribution of two days ago. Community visitors are appointed by the Governor in Council; they are volunteers; and it is appropriate that we should be debating the Community Visitors Legislation (Miscellaneous Amendments) Bill in the International Year of Volunteers. Community visitors have wide powers of inspection and inquiry in institutions and places where people with various forms of disability live, and they are an early warning to respective ministers about the adequacy and quality of residential services across the four acts.

The final report of the evaluation of the community visitors programs, which was completed under the administration of the previous government in May 1998, states:

The current community visitors programs provide impressive coverage of a wide number of services and offer safeguards and access for individual consumers' issues not available elsewhere in the system. Without confidential access to community visitors, some important consumer issues would not be reported or resolved. In addition, the community visitors programs provide an independent point of reference for service providers and the Department of Human Services in the challenge to demonstrate service quality. This perspective will be lost if there were no community visitors.

As I said the other day, it was the community visitors who persistently raised the question of the living conditions and services available for residents at Kew Residential Services. They persistently said that the quality of life of those people at Kew would never improve so long as Kew remained in the state it was.

Prior to the last election the coalition government committed itself to closing Kew and relocating residents to more suitable housing within the community. The current Labor government reluctantly, over 12 months later, also committed to redeveloping the Kew site. I raised the question of concerns I have about the government's approach, and the fact the Minister for Community Services has said it would take 6 to 10 years for the redevelopment to take place — far too long a time; and that up to 100 residents would remain on site in community residential units. I raised the question whether, if there were more than

100 residents who wished to stay or whose families wished them to stay on a site where they had become very familiar with their surroundings, would more than 100 residents be allowed to stay?

I raised the question of whether all the funds raised from the sale of the Kew site would be retained for intellectual disability services. I raised a question about the standard of the community residential units that would be built on the site: would they be indistinguishable from the surrounding homes which would be built on what is, after all, very prestigious land which will undoubtedly fetch a high price? I also raised a question about the interim period, those 6 to 10 years, when undoubtedly there will be a different government — a Liberal rather a Labor government — and whether in the interim the current Labor government will continue to improve the quality of life of the residents at Kew Residential Services.

I also raised the question of the 163 residents who in 1997–98 indicated that they would like to move out immediately and whether that process will be expedited or put on hold as the plans for the redevelopment take place. Those people's lives cannot be put on hold. Those who have expressed a preference to move out should be helped to do so as quickly as possible.

What is evident from the annual report of the community visitors is the extent of the work that community visitors do in a voluntary capacity and their care and concern for the residents of the places they visit, from the very smallest things like the provision of suitable meals and toilet paper through to more major concerns about the residents as individuals with an entitlement to lives of dignity and quality.

Many people with intellectual disabilities have various forms of creative talent, including that of visual artists. There is a wonderful enterprise in Northcote called Arts Project, which holds art classes for artists with intellectual disabilities and arranges exhibitions of their work. The work of many of those artists is now being shown in mainstream galleries.

A resident in the eastern region was described as a talented artist whose work had been exhibited around Australia. However, not one example of his work was hung in the home where he lived, nor was he getting the proceeds of the sale of his work. The community visitors arranged that an example of his work be framed appropriately and hung where he lived, and they established that he should own his entire art product and that it be marketed according to standard procedures in the art industry, and that he would receive a percentage of the selling price, like any artist

anywhere in this community. That was a most satisfactory outcome for Jock and one that would not have occurred without the sterling work of community visitors.

On a sadder note, a report about a resident in the western region described how he had asked to see the community visitors. He told them he always felt cold. He felt the heating was not adequate because he felt so cold all the time. The managers at his residence were sympathetic, as was the Department of Human Services, and they provided him with socks and a sheepskin for his bed and turned up the heating in the residence. Unfortunately Graham died of a heart attack and it was realised after his death that his symptoms were those of illness and not the result of lack of heating in the residence. The community visitors report states that all those concerned were devastated, including the community visitors and his carers at the house, and that it was a lesson to all of them not to take symptoms purely at face value but to investigate further.

Community visitors make an enormous commitment to the community in which they live, but the worrying aspect that comes out of the evaluation and out of the annual reports is the fact that it is difficult to recruit and to retain community visitors. As I said in my earlier contribution, the profile shows that community visitors are predominantly female, middle aged or older and reside mostly in the eastern and southern suburbs. That is one reason for this bill, which removes the requirement that community visitors reside and visit in their own region.

Two figures provide evidence of the fact that it is difficult to recruit community visitors. The 1998–99 report said there were 144 community visitors across the state. By the 1999–2000 report that number had dropped to 133. It is imperative that the minister and her department put into place active recruiting drives to ensure that the number of community visitors does not drop.

It is stated elsewhere that community visitors should visit each residence at least once a month, and in some regions they are struggling to do that. If they are not able to visit once a month and the residents in those places cannot speak to a community visitor quickly, the residents are likely to be adversely affected. In fact a community visitor was able to visit one residence in my region only once or twice a year, and that is obviously not satisfactory.

I reiterate my concerns about the fact that the Minister for Community Services has taken no active part in

resolving the current industrial dispute with the Health and Community Services Union. The rolling 3-hour bans which have been happening for over a month are likely to escalate if there is no resolution of the current industrial dispute. The people who suffer because of these bans are residents who are unable to care for themselves; their care is being left to volunteers and the management of their residences. Were community visitors to visit those residences during one of those bans they would find volunteers struggling to provide the quality of care the community visitors are responsible for ensuring is provided for those people.

The minister is fond of soft-focus photos and talking about one community and how people with disabilities should live in dignity and be integrated as far as possible into the community. Words are easy; it is actions that matter. This minister is conspicuously absent when the going gets tough, when she runs away and hides behind anonymous spokesmen. That is simply not good enough.

Although it does not receive a lot of media coverage, her ministry deals with people who are extremely vulnerable. They need a minister who will stand up for them, who will be obvious and evident, who will speak out, and who will ensure that she resolves industrial disputes so these people do not suffer. That is not happening under this minister. Again I call on her to put her best efforts into making sure that over the coming week the industrial action does not escalate into all-day stoppages so that residents in the community residential units (CRUs) and the residential facilities across the state do not suffer as a result of her inaction.

Finally, I would like to commend all community visitors, one or two of whom are among my friends. Their commitment is exemplary. They provide a service to the community which is beyond what many people do, and they do it freely and without thought of reward. I would like to finish by referring to a profile appearing in a newspaper in 1997 of one community visitor called Marj Phillips, who probably represents the norm:

‘I’m on the premises’, Marj Phillips bellows over shoulder as she takes to the corridors of the Bendigo Psychiatric Centre. And so she is — bustling, bristling, moving on. Noticing everything in her path. Like a hawk.

‘Why is that mattress on the floor?’, she demands.

Marj Phillips, 52, is on the case at least six days a week, from 7.00 a.m. Ruthlessly efficient, she chops up her days in precise portions, doesn’t countenance tardiness or time wasted between appointments. ‘I’m very bossy — everyone knows that’. She’s on the phone when most people are at breakfast. Then she’s checking the day’s proceedings, writing things down, over-lining logistics in her diary.

'Never take anything at face value', she tells me.

The article goes on to say that:

Marj Phillips works with the Office of the Public Advocate as a community visitor.

That was four years ago. I hope Marj Phillips is still bustling and bellowing in her role as community visitor, and that she is drawing the attention of the people who run residences throughout the state for people with psychiatric, intellectual or physical disabilities to the shortcomings in the system. Those people need a Marj Phillips, a Malcolm Phillips or whoever to look out for them.

**Mr MAUGHAN (Rodney)** — I am pleased to speak on the Community Visitors Legislation (Miscellaneous Amendments) Bill and to support the remarks made by the honourable member for Mooroolbark. I particularly support two things she said in her summing up. The first is with her paying tribute to all those who are acting or have acted over the years as community visitors. They make an enormous contribution to our community, and I join with the honourable member for Mooroolbark in extending my thanks and congratulations to those who are acting in that role.

I also support the notion that we need to do far more to recruit community visitors. The profile of the existing community visitors is that essentially they are older rather than younger, they live in the south-eastern suburbs of Melbourne and they are not as numerous as they should be. I appeal to the minister to take some decisive action to recruit more community visitors, certainly in areas outside the metropolitan area, such as Ballarat, Bendigo, Shepparton, Bairnsdale and all the other small towns and cities throughout country Victoria.

I also am concerned about the ongoing industrial disputes that are plaguing the industry at the moment. This government on a whole range of different areas has been deficient in resolving those industrial disputes. There are disputes in nursing, in this area of community services, in preschools, in the police force, and so on. It is absolutely vital that the minister play a decisive role and put an end to the industrial disputes that are going on. Why? Because, as the honourable member for Mooroolbark pointed out, the people who are affected in this case are those who are the most vulnerable members of the community.

The bill before the house essentially amends four acts of Parliament to provide uniform provisions with regard to the community visitors program. It amends the

Guardianship and Administration Act to give the Public Advocate the same powers as community visitors, which is important, and I support that. It inserts a common definition of 'region' in each act, which is a housekeeping matter that is sensible and one which the National Party supports. It also removes the requirement that community visitors must reside in the region of appointment. Hopefully that will overcome at least some of the difficulties we have at the moment in finding sufficient numbers of community visitors. This is important but relatively minor legislation. It is more in the nature of housekeeping than anything else, but it is legislation that should be supported, and the National Party will be supporting it.

The background is that community visitors programs were established in 1986. As has already been explained, they are administered by the Public Advocate. The legislative mandate for the community visitors program is contained in four acts of Parliament. Those acts are the Intellectually Disabled Persons' Services Act, the Mental Health Act, the Health Services Act and the Disability Services Act. That is the basis of the legislation that supports the community visitors program. The role of the Public Advocate is contained in the Guardianship and Administration Act 1986. At the moment there are about 300 to 320 community visitors in Victoria. Their role is to visit residential services that are covered by the four acts to which I have just referred.

Their role is essentially to ensure that appropriate standards of care are provided in all those services, and to look at the accommodation, wellbeing and welfare of residents. I just point out in passing that practically all the people in accommodation covered by the acts to which I have referred are people who are there because of a physical, intellectual or psychiatric disability, or because of their age, and because they require a very high standard of care. In many cases — probably in most cases — they are unable to advocate for themselves effectively.

It is most important for us as a community to have a dedicated group of volunteers who visit these organisations on a regular basis, and to ensure that the people who reside there have adequate standards of care and accommodation and that their needs are met. I am not talking about just their physical needs, important though they are. We also need to ensure the adequacy of opportunities and facilities for recreation, education, training and rehabilitation, and also deal with the personal complaints that residents will have from time to time that they feel are not being adequately dealt with by the system.

Community visitors do have a very important role. Again I point out that they are volunteers, and I commend them for the services they provide to the community. That is worth stressing in this International Year of Volunteers. At the Legislative Assembly sitting in Bendigo last week the house debated a motion to do with volunteers in the community. In that debate members spoke of a whole range of different community activities in which volunteers were involved. Community visitors are volunteers who have no thought of receiving anything back for themselves other than assisting people who are disadvantaged and who are not able to advocate for themselves, and in a most altruistic way serving as community advocates.

It is important to preserve the independence of the community visitors. It is important that private individuals rather than paid servants of the government perform this community visitor role, so that the community visitors program is seen as being quite separate from the service-providing agencies. That is important because nobody could or would suggest that community visitors are in any way the lackeys of the agency concerned, or of the Department of Human Services for that matter.

The community visitors program is provided through a program auspiced by the Office of the Public Advocate, whose mission is essentially:

... to promote the rights and dignity of people with disabilities, to strengthen their position in society, and to reduce their exploitation, abuse and neglect.

One hopes there is not too much exploitation, abuse and neglect in our services anymore, but one would be foolish if one did not acknowledge that certainly abuse, neglect and exploitation have taken place in the not-too-distant past. As a community we have moved a long way from those days, and I certainly support that mission statement because I believe it sums up what we as a civilised community should be doing.

The Office of the Public Advocate is responsible for the recruitment, training and support of community visitors. As I have already said, it is not just those who are community visitors right at the moment but all those who have served since 1986. I do not know what the number is, but certainly it would run into the thousands over the past 13 years. They deserve our thanks and support for the tasks they have carried out.

The task of community visitors is enormous. It is most important, because according to the latest figure I have, there are 980 services across the state. The Office of the Public Advocate needs to be able to visit all of those service providers, and the objective is to be able to

provide a 24-hour response time from community visitors. I note in the last annual report of the Public Advocate that 80 per cent of calls were responded to within 24 hours. I believe that is a great effort. Another 15 per cent were responded to within 48 hours, so one could say that 95 per cent of calls were responded to within 48 hours. It is a commendable effort. The aim of responding to all calls in 24 hours is a great objective, but already the Office of the Public Advocate and community visitors are doing a great job with that response time.

The Office of the Public Advocate is endeavouring to increase the number of community visitors to approximately 400. I note with some concern that over time the number of community visitors has been declining. Again I refer to the annual report of the Public Advocate, which shows that from July 1999 until June 2000 the number of people in the community visitors program steadily declined from 372 in June 1999 to 320 in June 2000. It is alarming that there has been a decline of that magnitude. I certainly support the Office of the Public Advocate in targeting 400 community visitors as opposed to the 320 we have at present. It is most important that this worrying trend of a decline in community visitors is arrested and that we are able to encourage and persuade more people to take on that important, and I would imagine satisfying, role.

Part of the need for more community visitors is to cover state-owned facilities, which because of amendments to the Disability Services Act were brought into the purview of the community visitors program relatively recently. The estimates are that we now need not just the 400 the Public Advocate is aiming for, but up to 500 community visitors to adequately cover the almost 1000 service providers across the state that are now under the purview of the community visitors program. There is a real need for additional community visitors.

I note that there is a variance between the various regions across the state. The Department of Human Services has nine regions and the number of community visitors is not equally distributed according to need. I am proud to note that it is largely the non-metropolitan areas that are much closer to the target than the metropolitan areas. There are five non-metropolitan areas, and the number appointed is roughly equivalent — it is a little below — to the number required.

Of the four metropolitan regions, the western region has a current requirement of 35 community visitors, and the number appointed is 25. The northern region has a requirement of 66, and the number appointed is 48. The

eastern region has a requirement of 83, and the number appointed is 59. The southern region has a requirement of 77, and 69 are appointed. Country Victoria is doing relatively well, and I believe those figures illustrate the willingness of people in smaller communities to get out and play those important altruistic roles in the community.

The bill, which removes the impediment of people having to reside in the region in which they operate, will enable community visitors who live in one region to operate in another. That is important. Essentially the bill came about following the evaluation of the community visitors program, which was initiated by the Office of the Public Advocate, and a comprehensive report was presented to the government in May 1998.

The overview of the report essentially said that the outcomes of the evaluation:

... ratified the appropriateness of the position of community visitors as independent, Governor-in-Council appointments, auspiced by the Office of the Public Advocate.

It supported what is already in place, which I also support. It said that:

Volunteers are considered the best option to ensure independence and impartiality.

I agree with that sentiment because it is important to have community visitors who are both independent and impartial, but the report said that there was some:

... confusion and variability amongst service providers and community visitors regarding the ideal role for community visitors.

The recommended role is as I suggested earlier in my contribution, but I note that some community visitors believe they are not doing their job adequately unless they can find something that is wrong with the system and draw that to the attention of the relevant authorities. There is also a need to report where service providers are doing good things, because many good things are happening with some of those 980 separate service providers. We should acknowledge the good work that is being done rather than concentrating on picking at things that need doing, although there is a need for that too. The report also said that:

A variety of means of protecting consumers will remain important, and arguably will become more important, in the context of the changing service system.

From all of that there were four essential recommendations, and this legislation goes a long way towards implementing those recommendations. I shall not go through all the recommendations in detail, but they refer to changing the culture of the community

visitors program, having a strategic focus and being able to set targets, to measure performance against that and to have annual reporting of that.

Recommendation 4 states:

That realistic resourcing be provided to strengthen the infrastructure and support to the community visitors.

I shall deal with that in more detail later, although I note there has been a mere \$50 000 provided to increase financial support for the program.

There are variations between the four acts — for example, who recommends the appointment of the community visitors? It is the minister under the Mental Health Act and the Health Services Act, and the Public Advocate under the Intellectually Disabled Persons' Services Act.

Certain persons are deemed to be community visitors, which is absent in the Health Services Act. The issue of frequency of visits is stipulated to be monthly, except that it is not specified in the Health Services Act. The secrecy provisions are not mentioned in the Intellectually Disabled Persons' Services Act, and so it goes on. There are variations between the four acts, all of which are trying to achieve similar objectives. This legislation goes a long way to overcoming those variations.

There are three separate community visitors programs, one under the Mental Health Act, one under the Intellectually Disabled Persons' Services Act, and one under the Health Services Act. Another difficulty is that community visitors can now only be appointed to operate in the regions in which they reside. This legislation will change that, which I welcome and commend.

The service system itself has changed. When the three acts were proclaimed we, like other advanced countries around the world, had a range of large institutions. There has been a movement away from institutional care to community residential units and care in the community, hence the increase in the number of organisations. I welcome that, and I note various reports indicate that clients are doing much better when they are in residential-type care as opposed to institutional-type care, although it needs to be acknowledged that there will always be a proportion of people for whom institutional care is the only option available.

I also refer to the Public Advocate's view on that issue. In its annual report the Office of the Public Advocate clearly spells out its policy, which is:

... a longstanding policy commitment to the closure of institutions, including those for the intellectually disabled. Studies of the impact of past closures and relocation to community settings have shown improvements for the residents in a range of lifestyle features together with improvements in personal abilities.

I support that objective to reduce the number of people in institutional care where possible and provide the far more humane, warm and welcoming residential care. The trend is away from state-owned institutions to organisations and agencies that are either funded or regulated by government — the not-for-profit organisations, the church organisations and the charitable organisations.

I turn to the important issue of funding. While the voluntary system has a great deal to commend it — and I do commend the voluntary system — funding has not been provided to match the government's rhetoric. We are not talking about large amounts of funding. It is an important program that essentially depends on the goodwill of volunteers. As honourable members heard when Parliament sat in Bendigo last week, it is becoming more difficult to find volunteers for a whole range of services in our community. This is no exception. Sometimes too much is put onto volunteers and they are expected to do too much out of the goodness of their hearts and their generosity.

I note that the current budget is insufficient to support the mandated visits to services, even at the most basic level of reimbursing community visitors for their personal expenses. In Victoria the average community visitor support, including the staff costs — which is for training, recruitment and so on — is \$724 per person per annum. That is essentially what is spent on community visitors. In New South Wales the comparable figure is \$10 630 per annum. A good argument could be mounted to say that the amount of funding to our community visitors program should be increased.

One can also look at the theoretical level of funding. If there were to be a monthly visit by a panel of two to each of the 980 community service organisations in the state, as I referred to them earlier, and if \$3.40 is allowed per person per day for personal expenses, a total of only \$80 would be provided per service per year, which is a trifling amount of money for this important program.

I note that there was an increase in funding to the community visitors program, but it was not enough. If honourable members look at the community visitors program budget, which is within the Department of Justice budget, they will see that community visitors are

compensated for travel expenses and paid an annual honorarium. That sounds good, until we find that the annual honorarium is \$154 a year for community visitors, \$273 for a panel secretary and \$1061 for a regional convenor. For that honorarium, many community visitors will be making 10 or 12 visits per year to organisations and will have to spend additional time on paperwork.

The funding is trifling, the total budget for the community visitors program being \$411 000. I note and acknowledge that, since that time, the government has increased funding by \$50 000 and I welcome that increase, although it is nowhere near enough. It is nothing like the funding provided in New South Wales, for example. In order to have a community visitors program that works properly more funding needs to be provided by the government.

The conclusion of the evaluation commissioned by the Office of the Public Advocate that I referred to earlier was essentially that there was impressive coverage by community visitors; that the program was considered to be effective by parents, staff and clients; that there were marked differences between regions, with different styles, cultures and objectives between regions that needed to be brought more to a common aim; and that, as I have already indicated, some community visitors saw their jobs as finding fault with the organisations or institutions rather than looking at them overall and that they perhaps did not always acknowledge the good things that were being done. It pointed out strongly that performance targets needed to be set and a data bank created to monitor performance against those targets on an annual basis. I have already alluded to the recommendations made in the report but I reiterate that this legislation is a consequence of representations to government by the Office of the Public Advocate.

The amendments made by the legislation are sensible and logical. The bill formalises the powers of the Public Advocate to provide for a consistent legislative framework across the health and disability sectors. Greater flexibility of service provision will provide for greater safeguards for clients in the disability services area. These changes have been sought by the Public Advocate and have the support of service providers. The National Party supports the legislation and I commend the bill to the house.

**Mr VINEY** (Frankston East) — I support the community visitors legislation before the house and in doing so place on record my appreciation for the great work that community visitors undertake in our community as volunteers.

In the International Year of Volunteers it is important for this Parliament and its members to recognise the great work that volunteers do. I thank the honourable member for Rodney for his contribution and also thank the National Party for its support for the legislation.

I listened carefully to the honourable member for Mooroolbark for an indication of support and I think that it was in there somewhere. However, I was a little disappointed at her attempts to score some political points in the disability area. These followed her leader's contribution in the grievance debate yesterday when he raised matters about disability services. Across the table — against the usual standing orders — he pointed a finger at me, saying that I do not care about people with disabilities. It was interesting that the honourable member for Mooroolbark would make such criticisms of the minister and the Leader of the Opposition would stoop to those levels to try to score some fairly cheap political points at my expense.

I am happy to stand in the Parliament and at times recognise the bipartisan support for certain areas of policy and government initiative. I am happy to acknowledge that while he was Minister for Youth and Community Services, the now Leader of the Opposition succeeded in getting additional funding for disability areas, particularly in residential units and other areas. I take some offence at his attempt to politicise these things, because in my short time as a parliamentary secretary — a little under two years — the government has managed to achieve a fairly proud record in the area of disability services. The record shows that in coming to government the budget for disability services was \$572 million, but that has increased to \$712 million in this year's budget — which is an increase of over 25 per cent in two years.

While I said earlier that I was happy to acknowledge the contributions and efforts of the Leader of the Opposition when in government as a minister in disability services, his comments and outrageous suggestions yesterday that I did not care about people with disabilities prompted me to have a deeper look. In his contribution he talked about the issues of industrial relations at the moment, and in fact they were issues brought up earlier in the debate by the honourable member for Mooroolbark.

One of the key factors in the whole industrial issue at the moment is that of training for disability workers. It is interesting to look at the figures. In 1992–93, on coming to government, the now opposition would have found that \$9 million was in the training budget for disability workers. That had dropped to \$4.5 million by 1995–96, and when the now Leader of the Opposition

came in as Minister for Youth and Community Services he reduced it further to \$3 million. So for the Leader of the Opposition to come into this place and lecture me about my apparent lack of care for people with disabilities is a little hard to swallow, given an analysis of his own record in government. I suggest that if he wants to go down that path I am happy to debate him on those issues and stick to the facts.

In her contribution the honourable member for Mooroolbark raised a range of curious issues about Kew Residential Services. At the last election the coalition indicated that it would close Kew, without having undertaken any kind of consultation with the residents. It was an unexpected announcement despite many years of being in government and having the opportunity of doing something about the services.

This government has undertaken to close the Kew centre, and I can assure the honourable member for Mooroolbark that a detailed consultation with residents is under way. While it is true that it will take a few years for the project to roll out, it is because this government, in a sensitive and consultative way, is about talking with the residents, their carers, their parents and family, and establishing appropriate outcomes for each resident based on specific planning for each resident. It is expected that between 50 and 100 of the current residents will live in new homes on the site after the consultation process has been completed.

The honourable member for Rodney raised some interesting matters about training for the community visitors program in his contribution and suggested that \$3000 was needed. He further suggested that the honorarium for community visitors should approximate that of New South Wales at around \$10 000. The government will take the honourable member for Rodney on his word that this is some semblance of a policy commitment from the National Party. The government will be happy to cost the idea out and add it to the growing list of commitments which seem to be coming from the former coalition partners, a list which includes increased funding for services and hundreds of millions of dollars in tax cuts.

The bill before the house has two main functions. First, it makes various amendments to the statutes which legislate and mandate the community visitors program. These amendments will provide some consistency across the legislative framework which regulates the delivery of mental health, disability and aged care residential services. Second, a raft of amendments are made to the Guardianship and Administration Act, which governs the operation of the Office of the Public

Advocate. In effect this will give the Public Advocate some powers of inspection to ensure that the urgent needs of persons with disabilities are met.

As has been mentioned in the debate, the community visitors program was established under the last Labor government in 1986. It was part of a package of reforms introduced for people with disabilities at that time. The Office of the Public Advocate is an independent statutory agency. It provides advocacy, advice and information services for people with disabilities, their families and those who work with them. The office has the power to take action in situations where people are exploited, neglected or abused. It is important to include the community in this role through a program of volunteers such as the community visitors program, which reinforces the important work of the Office of the Public Advocate.

Community visitors are authorised individuals appointed by the Governor in Council. Their primary function is to visit and inquire into the adequacy of residential services governed by the acts I have mentioned. Examples of these facilities include community residential units, psychiatric inpatient services and supported residential accommodation services. Community visitors can inquire into specific areas such as the suitability and quality of facilities and the adequacy of opportunities and facilities for recreational activities. Community visitors have the opportunity to look at compliance with the various acts and deal with complaints from residents.

This bill has come about because of some issues the Public Advocate raised with the department concerning some operational limitations of the community visitors program and as a result of an independent evaluation of the program entitled *An Evaluation of the Community Visitors Program — Final Report*, prepared by the Office of the Public Advocate, the Department of Human Services and the Department of Justice. That evaluation found that while community visitors provide an impressive range and coverage of services they also offer a number of safeguards for access to independent client issues not available elsewhere in the service system. A number of key stakeholders were consulted in the process of developing this legislation, and support for the amendments has been quite widespread.

I want to touch on a couple of provisions in the legislation, including the secrecy and penalty provisions which provide some common secrecy provisions to ensure consistency across all of the legislation and ensure that information obtained and gained by community visitors is only used for the purpose of their duties.

**The ACTING SPEAKER (Mr Plowman)** — Order! The level of audible conversation is too high. I ask honourable members to lower their voices or leave the chamber.

**Mr VINEY** — These provisions ensure that information gained by community visitors is used only for the purpose of their duties or to perform or exercise functions or powers that are relevant under that legislation.

Another area of the bill that I refer to is the Public Advocate's power. The bill gives the Public Advocate powers that mirror those of community visitors to enter registered premises and inspect documents. It contains an amendment to the Guardianship and Administration Act to give the Public Advocate and appropriate staff from his office the ability to apply resources where there are insufficient community visitors to meet urgent needs.

The bill implements the government's objectives and priorities through the improvement of service quality with a consistent legislative framework across the disability, health and community services sector. This is a further addition to the considerable work that this government has been doing in the disability area, including the development of a statewide plan. I had the pleasure of conducting many of the consultations around the state, including a very successful one in my electorate of Frankston East.

**The ACTING SPEAKER (Mr Plowman)** — Order! I think all the loud speakers have gone off.

**Mr VINEY** — It is fortunate that I have the reputation of speaking loudly and clearly, so I will continue in that vein!

The successful forum on statewide disability planning and consultation conducted at Frankston was one that I was very pleased to facilitate.

**The ACTING SPEAKER (Mr Plowman)** — Order! As a courtesy to Hansard, I ask honourable members to kindly keep their voices down.

**Mr VINEY** — Many of the issues that were raised at that forum involved discussions around residential services and the protection of the rights of people with disabilities. I believe it was an important part of this consultation, and this bill is in part following through on the issues that were raised at those forums around the state.

It is a pleasure to be a member of a government that has secured this raft of reforms in the community visitors

program as part of our commitment to disability services. I commend the bill to the house.

**Mr ASHLEY** (Bayswater) — It is a pleasure to join this debate today, particularly in the International Year of Volunteers, and to pay tribute to a group of volunteers, community visitors, who I believe have carried very heavy burdens of duty and who have to the best of their ability performed those duties with great dedication and compassion. I believe their involvement and role should be respected and undergirded by legislation. But if those duties are unable to be fulfilled because of a loss of interest in volunteering, the government should have the right to provide to vulnerable people, those with disabilities, the extra support necessary in monitoring their care by extending the capacity of the Office of the Public Advocate to take action where a lack of volunteers has made that not possible.

I am reminded of what the former Victorian Governor Sir James Gobbo said only three or four years ago when he spoke of concern about the loss of civic engagement through volunteering. He made the point that that loss of civic engagement was not just some small matter but that it did actually affect the political and social fabric of society.

My first point is to commend volunteers for the work they do and to seek the assistance of the whole community and the government in calling upon those who have not yet taken up the role of volunteer to engage in that activity in the future in the interests of those in real need.

The way this bill has been treated does not, in a sense, make Parliament look all that good. It has been hanging around for a number of months, having been left to lie on the table at the end of the last sessional period. When debate on the bill resumed two days ago it was truncated before the honourable member for Mooroolbark had quite finished her speech, and the bill is before the house again today. In the meantime two bills were debated at great length yesterday, and both were said rather flippantly by some to be butterfly bills, meaning they were lightweight and flimsy and that they would have little effect.

My concern is that the way the house has approached this bill and the tendency to want to truncate debate on it today will sow deeper in the minds of the community the perception that disability is just something to be pushed around and dealt with at a convenient time, if at all. That does not bode well for the care and treatment of people with disabilities or for those who support them, because it gives the distinct impression that this

unfinished business can be dealt with in a perfunctory manner. I reject that approach, and if I go beyond 5 minutes in my speech about the importance of this bill, I do not apologise for doing so.

The role of community visitors is to look into what goes on behind closed doors. This legislation is underpinned by an awareness that people who are vulnerable are easily targeted by two forms of abuse: direct abuse or neglect. It is strange that the house is debating the bill when an industrial feud now exists. The way that industrial dispute has unwound does not speak well of the attitude shown towards people who are vulnerable.

The government may be prepared to deal up front with disputes involving police or acute health services, but it allows a dispute involving those with disabilities to wander along at its own pace. In the midst of all that neglect inevitably occurs. The government cannot hold its head up high — I do not take pride in saying that — on this issue. All of us need to redouble our efforts to deal with matters as sensitive as this with compassion and kindness if we are to demonstrate that they count for more than just words.

I remember speaking to the Department of Health and Social Security in London in 1993 about how it multiskilled its teams of people who went out to rescue, in particular, people with psychiatric illnesses who had episodes that caused great trauma.

I walked away from the appointment over Waterloo Bridge and back towards the Strand. As I did, I happened to be walking slightly under the bridge. Its roadway acts as a roof, and under that roof I could see about 30 or 40 people, dishevelled and shuffling around. I could not quite work out what it was all about. Later I found out that these were men and women with psychiatric disabilities who had been discharged from institutions and had literally fallen by the wayside. Britain had not coped well with its program of deinstitutionalisation. We have coped somewhat better, but I still question the conventional wisdom that lies behind a process that takes people out of one form of isolation — that is, in the institution, with all its failings and viciousness — and places them into other contexts, which often are just as isolating. It is that issue of isolation that I wish to deal with.

We have done well in terms of Maslow's hierarchy of needs in dealing with the basic things. We have made available to these vulnerable people food and accommodation. However, Maslow's hierarchy of needs does not stop there. It says that once you fulfil the basic needs, other needs then seek to be fulfilled.

Social, emotional and spiritual needs, to some degree and possibly in parts to a great degree, are not being met by the kinds of policies that have been put in place in recent times, albeit with all their advantages. This is where community visitors come to the fore.

The following are the kinds of insights that community visitors are making available to our society and to government. Firstly, in relation to not liking a house or the other residents, the *Annual Report of Community Visitors 2000* in respect of community visitors appointed under the Health Services Act 1988 states:

It is of particular concern to community visitors that some residents do not like the place where they live. Not only is the placement of an individual in an SRS often a haphazard occurrence — as generally no initial assessment occurs — but once the placement has taken place, there is no system of review to ensure that the person has adjusted to life in their new home or that appropriate care is, in fact, being provided. Many residents have little autonomy over their own lives. In general, they lack any social agency and are not able to change their living arrangements without assistance.

That is a particularly significant condemnation of where we are at. It demonstrates that with all we are doing, fundamental needs go missing. So much for the issue of homes and residents.

Secondly, on the issue of hygiene the report states that there are now proprietors providing a home for more residents with complex and high-care needs and the ratio of staff to residents as well as the skill levels of staff has, in most instances, remained the same. This is an issue that the unions are making some mileage from. The report continues:

There are further concerns about the lack of attention to cleanliness and hygiene in some facilities and about the predominance of diets consisting mainly of simple carbohydrates and processed food. In particular, community visitors are dismayed by the social isolation —

the point I have made —

experienced by many residents who appear to spend most of their day without purpose set apart from the rest of the community.

The report says ‘without purpose’, despite day programs. This, as I say, is unfinished business! These are matters and issues that we will have to revisit again and again.

On the issue of privacy the report notes that community visitors remain extremely concerned about the lack of personal privacy experienced by many supported residential service (SRS) residents, and commend the Department of Human Services for attempting to ensure some private space for residents through the

implementation of new guidelines relating to bedroom sizes. However, this is what they say about bedrooms:

In many of the shared rooms there are no screens or curtains to ensure that residents can dress and undress in private. Some shared rooms are very small, and while others are larger, they provide sleeping quarters for up to, and sometimes even more than, four residents.

In terms of Maslow’s hierarchy of needs we have got the basics of food and shelter right, but we all need some private space.

I will take it further. In the sensitive area of ‘the love that dare not speak its name’ there is a problem that is going to brew up further over time: those who provide care, often seeking to protect people, may stand in the way of their clients’ emotional and romantic attachments. Jennifer Evans, president of the Health and Community Services Union (HACSU), said that a girl in one of the community residential units was later found having sex with her boyfriend on an oval in a park. Her comment was that the girl considered the oval more private than her bedroom: if she brought the boyfriend home, everybody in the house would know about him, but in the park she felt no-one knew her. Isn’t that fantastic logic — when you have no room of your own and no private space!

A big issue is consistency of care. I wrote in my document ‘United Kingdom experiences in developing “village” residential options for people with intellectual disabilities’ that we need to develop a model for consistency of care and a sound management approach that accepts as an integral part of in-service training for staff members the minutiae of an intellectually disabled person’s behaviour and attitudes. In this model carers follow their clients, and long-term relationships are forged between carers and clients. In our context we cannot do that, because so many staff — something like 18 or 20 per cent — are turned over every year. With inexperienced staff we are not really getting to base one.

In one place I visited in Manningtree, Essex, called Acorn Village, they told the story of one young man who kept absconding and going back to London. The reason he kept going back to London would never have been discovered unless the staff had listened to the minutiae of his experience. Someone went back and watched him. He got on a double-decker bus and spent the day going all around London. Why did he do that? Because that is what he did when he lived with his bus-driver father. He only had his father, and from the time he was very young his father used to put him on the bus he was driving and take him around every day, year after year. The familiar home to this poor man was

a London bus. It was not until the carers understood that that they were able to bring him to terms with his new home out in the country.

It gets more serious when you take the issues of consistency of care and violence into account. The Health and Community Services Union is saying a violent act is committed every 3 or 4 hours. Many very difficult people have to be dealt with. Eastern Access Community Health has had to deal with two or three such people, and as its staff have untangled their lives over a lengthy period of time they have been able to stabilise the otherwise terrible behaviour.

There was a fellow in Acorn Village who used to call himself Amanda. The professional staff respectfully called him a gentleman, but he always wanted to be called Amanda. Every time he went to the psychiatrist he would come back in an absolute mess and a rage, and there would be violence. The reason was that he did not like being called by his given name. It was not until the professionals were able to get the psychiatrist to one side and say, 'Do not call him by his given name, he is happy to be called Dude', that the psychiatrist, in his interaction with his client, was gradually able to change the man's behaviour with the assistance of the professionals in the centre.

That attention to the minutiae of detail is important. The professionals in the field say that it takes two to three years of intense engagement if you really want to understand a person with intellectual or psychiatric disabilities.

In conclusion, I refer to what the originator of community care had to say. His name was Sir Keith Joseph and he was the architect of the Thatcher government's policies in the Thatcher years. It was Sir Keith Joseph who introduced to the United Kingdom the breakdown of institutions and the movement of people into the community. However, he did it in a way that left people under bridges. As he said in a letter dated 22 January 1992, by when he had become Lord Joseph:

Alas, I was one of those who launched the plan to move people from the old institutions into community care — and left the department concerned before it became clear that the provision in the latter was lagging badly and that, anyway, there would still need to be refuges for those who couldn't cope ...

I make the point that is why it is unfinished business. He continues:

I assume — though you will no doubt correct me — that the lessons have been learnt.

Lord Joseph said to someone else:

I do seem to remember a white paper which I fathered which was overoptimistic about the state and growth of community care facilities.

Do feel free to reproduce the paragraph to which you refer and this paragraph and do please excuse my unwillingness to explore the background of my error: (as) I have a number of initiatives at hand — which I hope are more soundly based ...

I leave it for us to ponder about that. This is not the end of the story. This issue will need to be revisited many times over with care, compassion and with a sense of developing to the full the skills that people with intellectual and psychiatric disabilities have so that we do not leave them stuck at some point along the way, isolated either in an institution or in some little place in the backblocks of some outer suburb.

**Mr MAXFIELD** (Narracan) — It is with pleasure that I rise today to talk about the Community Visitors Legislation (Miscellaneous Amendments) Bill. It is also a pleasure to see that the bill has the support of both sides of the house — it is hard to object to.

I have a philosophical belief that you can define a society by how it looks after those suffering from disabilities or those who are in need of assistance. It says a lot about our society that we are willing to look after those with disabilities. In the past our community did not always recognise those needs as well as it should. During the past two years since I have been a member of this place the issue of services for people with disabilities is something I have placed high on my personal agenda within my electorate and in lobbying government. I believe those who suffer a disability are entitled to the best service we can deliver. We have to be responsive to their needs; we have to be responsive to their ability to exist within our society. We have to pursue with vigour every way we can to assist them to have the decency and dignity they deserve.

I support the comments of the honourable member for Bayswater when he said that we will be revisiting the legislation. We have come a long way as a community, but we have a long way to go. We cannot slacken our efforts and say we have passed the bill, so all is well. We have to revisit the issues and fight for services for those suffering from disabilities.

This bill is predominantly about the status of the Public Advocate and enabling the Office of the Public Advocate to fulfil its duties. Some of the acts the bill deals with are the Intellectually Disabled Persons' Services Act 1986, the Mental Health Act 1986, the Health Services Act 1988, the Disability Services

(Amendment) Act 2000 and the Guardianship and Administration Board Act 1986.

The bill certainly addresses some of the concerns that have been raised in the community and will deliver a better outcome for those who are suffering from a disability and use the services provided. We need to have community visitors who check out the adequacy of residential services covered by the act, such as the standard of accommodation facilities and the physical wellbeing and welfare of residents which, without a doubt, are all important.

Having advocates visiting residential services in their own community will enable people to closely monitor service delivery issues such as privacy and a whole range of other important services to which those who suffer a disability are well and truly entitled.

The bill follows from and builds on an amendment to the Disability Services Act passed in this house last year. I had great pleasure in supporting that bill when it came before Parliament.

I place on the record my admiration of and support for those who assist with disability services in my electorate, particularly in Warragul where Human Services is in the process of building a new disability house in Normanby Street. It was with great pleasure that we announced a few weeks ago that the E.W. Tipping Foundation has been given a contract to run that facility. The E.W. Tipping Foundation has served Victoria, and certainly my area of Narracan, very well. It is a fine organisation and it has provided tremendous services to those with disabilities.

Last year we had the pleasure of seeing the foundation build another home for respite care, and now that it has the contract to look after the new Normanby Street home, I am confident that those who will live there will get the best possible care. They will be looked after by a fine organisation run by some very fine people. For example, in our area the Tipping services are run by Sandy Komen, a lady of tremendous integrity and capability. I admire enormously and acknowledge the work she has done with Tipping in the last few years.

Warragul also has a disability lobby group, which has fearlessly fought all governments and will continue to do so to get a better deal for those who need the services in the area. I place on record my acknowledgment of the members of that group, who have put in a lot of work and will continue to do so.

Without speaking for too long, I commend the bill to the house. This bill is designed to assist those in our

community who are entitled to the respect and dignity that all of us take for granted

**Ms McCALL** (Frankston) — My contribution will be brief because a number of my colleagues want to make a contribution to this very important piece of legislation. It is important because it is the International Year of Volunteers and is yet another acknowledgment of the invaluable work that volunteers do in our community, most particularly, in this instance, for the most vulnerable members of our community: those who are physically or intellectually disabled.

Although this piece of legislation may be small in a jurisprudence sense, it is a pity that the Minister for Community Services is not in the chamber and has not been for most of the debate. I can only assume her absence means that she is negotiating with the Health and Community Services Union to secure as fast as possible the return to the work force of those permanently employed disability carers. If she is not doing that, I urge members opposite to please tell her to get on with it.

I will talk briefly about the invaluable service done in the community by volunteers and community visitors. I hold a slight reservation about a couple of things in the legislation. I am well aware that 80 per cent of community visitors are women and that a very large percentage of them are more than 50 years of age.

If the government removes the regionalisation of the position to fill gaps for volunteers in perhaps the northern or western suburbs, and the invaluable female volunteers over 50 from the Mornington Peninsula are reallocated over to the other side, I am not sure those volunteers will be too happy, because the transport from that part of the state — with or without the Scoresby freeway — is not as adequate as we would like. I urge the minister in looking at relocating such an exceptionally valuable part of our volunteer community to give some thought to where and how she proposes it be done.

I am conscious that my colleagues would like to contribute to this debate. I merely urge the minister to continue to support the volunteers within our community and ask her to bear in mind that nothing would be more disconcerting than for a community visitor, who is an observer of the care given to our more vulnerable, to arrive at a community service in the current climate only to find the entire place being run by volunteers because union members have chosen to withdraw their labour.

I commend the bill. The opposition does not oppose it, but has some reservations about some aspects of it.

**Mr LEIGHTON** (Preston) — I will keep my comments brief so another member may have a go before lunch. I will also ignore the attack by the honourable member for Frankston on my union.

It is a pleasure to return to the mental health and intellectual disability services area, albeit briefly, where I served in my former professional and industrial life. This is an appropriate debate to be having in the International Year of Volunteers. I will not go through the provisions of the bill other than to say that they are sensible and strengthen the role of community visitors. It makes sense to effectively recognise the Public Advocate and give him the same powers as a community visitor so he can visit, enter and inspect facilities. Recognising the difficulties with community visitors being available from particular regions, modifying the residential requirement is important.

Community visitors have a number of roles, including visiting and inspecting facilities and being available to meet with patients and clients on request to look at the quality of services provided. You only have to look at the annual reports to see how community visitors constantly raise the physical quality of services. An important role of a community visitor is that of an advocate for those who, by the very nature of their illness or disability, are not necessarily able to advocate for themselves. Performing their roles as independent statutory people, community visitors are important advocates for change.

On one occasion I was on the receiving end of a community visitor's report. The last industrial dispute I handled for my union prior to entering Parliament arose out of a community visitor's report into a Sunbury facility. I can certainly appreciate their fierce independence in their advocating for those in such facilities. I would like to go on further, but to allow another opposition member time to contribute, I conclude by saying that I support the bill.

**Mr DIXON** (Dromana) — I wish to make a brief contribution to this debate, mainly because I really value the role of community visitors. This is appropriate legislation to be introduced in this International Year of Volunteers. It is incumbent upon honourable members to recognise the many volunteer groups within our community, because our community really would not function without the service of those volunteers.

On the Mornington Peninsula a lot of retired people with time on their hands are among the number of community visitors living there. I have found that they are the people who keep our community going. I wish to thank them for the work they do.

This legislation is an opportunity to do that. Being a community visitor is probably not a glamorous pastime, in many people's minds. It takes a special person to carry out the tasks they do, but it must be very fulfilling. This legislation, in terms of the restructuring of the regions and how they apply, is a bandaid solution. There is a shortage of community visitors in some age groups, a shortage of those who are male, and a geographical shortage as well.

This bill will give some flexibility in a bandaid sense to relieve that problem. But it is incumbent on the government to take a long, hard look at the problem and work out a long-term solution to attracting more community visitors who are male, from areas that have a shortage, and of varying age groups. The clients they serve are of different genders and are spread across different age groups and geographical areas, so the make-up of volunteers should reflect that.

Community visitors work very closely with intellectual disability carers. They are showing a great degree of patience with this government at the moment, given the current industrial dispute. I urge the minister and the government to bring this long-running dispute to a close and to take it seriously. I take my hat off to the great patience of these carers in waiting for the government to make a decision. They must all be waiting for Tim Pallas to grab them and take them into the Premier's office to settle the dispute, as happened with the previous dispute under this minister. That is the only way something will be done.

I do not oppose the bill, and I take this opportunity to take my hat off to the great work that community visitors do.

**Ms BEATTIE** (Tullamarine) — I will be very brief in my remarks. As has been well canvassed here today, basically community visitors are advocates for people who cannot advocate for themselves. I pay tribute to the very fine work of one of the community visitors in my electorate, Mrs Kate Kennedy. I thank her for the service she has given to the community in looking after others who cannot look after themselves. I pay tribute to the fine work of Mrs Kennedy, and I commend this bill to the house.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to speak in the debate on the Community Visitors

Legislation (Miscellaneous Amendments) Bill. We all agree that caring for people with disabilities is very much part of our way of life. It is important that we appreciate and acknowledge the work that many individuals do to provide this care and assistance. Volunteers assist our elderly, our young and people with special needs to participate as much as they can.

Volunteers often do not seek recognition but are happy to do the work to look after other members of the community. According to the 2000 annual report of community visitors, 638 visits occurred in the eastern suburbs, which is almost 20 per cent of all visits in the state. I am grateful for and appreciate all the work undertaken by community visitors in my electorate.

**Mr WILSON** (Bennettswood) — I am pleased to make a very brief contribution to debate on the Community Visitors Legislation (Miscellaneous Amendments) Bill. As other speakers have said, community visitors play a vital role in a civilised and caring society. They provide an invaluable check and balance in a system where the protection of people who are vulnerable should be a major priority. The 2000 annual report of community visitors makes the very important point that the role of community visitors is to protect those individuals with the most complex of health care needs, who are very often living in housing and care situations with the fewest resources available to them.

The bill seeks to extend the number of community visitors and give greater flexibility to the system, which is good public policy. It will allow the Office of the Public Advocate to have a greater role and for more people to have their particular circumstances checked by an expanded system of community visitors. I commend the bill to the house.

**Debate interrupted pursuant to sessional orders.**

**Sitting suspended 1.00 p.m. until 2.04 p.m.**

## QUESTIONS WITHOUT NOTICE

### Disability services: industrial dispute

**Mrs ELLIOTT** (Mooroolbark) — I refer the Minister for Community Services to the ongoing union bans across Victoria in disability services. Will the minister advise the house of how many people with an intellectual disability and how many community residential units and congregate care facilities have been adversely affected by the industrial action by the Health and Community Services Union?

**Ms CAMPBELL** (Minister for Community Services) — I thank the honourable member for her question. It is with great pleasure that I inform the house of the ongoing progress that is being made with the Health and Community Services Union.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order.

**Ms CAMPBELL** — The Leader of the Opposition protests about the level of negotiations. I am pleased to inform the house that under the previous Minister for Community Services it took more than 35 meetings to achieve a resolution — —

**Mr Rowe** interjected.

**The SPEAKER** — Order! The honourable member for Cranbourne!

**Ms CAMPBELL** — In the course of negotiations for the previous agreement — —

**Mr Maclellan** — On a point of order, Mr Speaker, I accept that I am unable to repeat the honourable member's question — and I know I would not have to because you would remember it exactly — but I wonder whether you would direct the minister to attempt to answer the question rather than drift off into the areas she wants to answer?

**Mr Hulls** interjected.

**The SPEAKER** — Order! The Attorney-General will find himself outside the chamber shortly!

I do not uphold the point of order raised by the honourable member for Pakenham. The minister was being relevant in her response, and I will continue to hear her.

**Ms CAMPBELL** — Negotiations are proceeding and I am pleased to inform the house that they will not reach the 35-meeting mark of the previous minister; nor will the same number of people be affected as under the previous minister. The government has been able to address a number of significant issues that have been put on the table in the course of those negotiations. Some of them go to the issue of training. The training budget under the Labor government has increased.

The government is committed to ensuring that workers in disability services are well trained, and will ensure that that is the case. The government has invested in training in order to up-skill Victoria's workers. We have begun to redress the legacy of the Kennett

government. When the Kennett government came to power — —

**Mr McArthur** — On a point of order, Mr Speaker, I suggest to you that the minister is now debating the question. The question related to the impact on the clients of the service and the number of services that have been affected; it had nothing to do with negotiations. I ask you to bring the minister back to the question and to stop her debating it.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to cease debating the question and to come back to answering it.

**Ms CAMPBELL** — As part of the negotiations, with considerable effort we have been working with the Health and Community Services Union to ensure that people with disabilities are not adversely affected, and that appropriate care standards are in place. At the core of the dispute is the fact that the previous government cut the training budget by \$9 million and removed the qualifications — —

**The SPEAKER** — Order! I ask the minister to come back to answering the question and to desist debating it.

**Ms CAMPBELL** — The government is ensuring there are appropriately trained staff. We are putting in place a system where human services workers who currently provide services to people with disabilities have appropriate qualifications.

*Honourable members interjecting.*

**Ms CAMPBELL** — The number of people affected by this dispute has been outlined already in the course of debate over the last two days — they are the people who are residing in community residential units. Before the honourable member opposite makes accusations in her contribution about people with disabilities, carers and the government's commitment, I put on the record that we are committed to addressing this dispute. We will have fewer meetings to achieve it and will have a long-term resolution.

**Questions interrupted.**

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! Before calling the next question, it gives me great pleasure to welcome to the Victorian Parliament today the Shandgong Provincial People's Congress delegation led by Mr Zhang

Ruifeng, deputy chairman of the standing committee. Welcome.

**Questions resumed.**

## Science, technology and innovation program

**Ms BARKER** (Oakleigh) — Will the Premier inform the house of the latest action by the government to further promote Victoria as a leader in science, technology and innovation?

**Mr BRACKS** (Premier) — I thank the honourable member for Oakleigh for her question, and indicate her support in her electorate for that great facility, the synchrotron, at Monash University. The honourable member was there with me and the Minister for State and Regional Development in welcoming that announcement. I know she is pleased with that outcome.

Already undisputedly Melbourne is the biotechnology centre of Australia. Our ambition is to take that further and ensure that under our biotechnology plan we will be in the top five countries in the world over the next seven or eight years. To achieve this we have established a vigorous science, technology and innovation program in the state. Already about 16 projects have been funded out of the last round of science, technology and innovation grants, and those projects, worth \$60 million, have added some \$230 million of value to the Victorian economy.

Today I am pleased to announce that in building on those 16 projects, in building on that first round of science, technology and innovation grants, the next round of science, technology and innovation programs, infrastructure programs and grants will be available, and \$60 million will be made available by the government for that new round of science, technology and innovation grants.

This new round of funding will be available for public and private sector entities to pursue research, development and scientific advances. They will be in areas such as energy production, renewable resources, biotechnology itself, advanced manufacturing and food processing. It will be on top of the 16 projects already funded by the government in March last year, which has netted some \$230 million of support for this economy.

I turn to a number of examples of projects in the next round. Included in the last 16 projects was a grant of \$13.4 million to the Victorian neurosciences consortium, and further private sector investment has

been added to that as a result of our public sector investment.

The Monash research cluster for biomedicine was a \$2 million funded enterprise, and will add on to significant private sector investment. There was also funding of \$1 million to the Horsham grains technology precinct — and I am sure the honourable member for Wimmera appreciates that is an area where there is scientific expertise — and \$6 million for the Victorian partnership for advanced computing.

They are the sorts of projects we envisage in the next round, which will drive further. There is no doubt we are the biotechnology capital of Australia. We want to be in the top five in the world; that is our ambition. These second round grants will assist in and support that aim to drive forward jobs, to drive forward research and to increase our output on biotech in this state.

### **Bridges: Murray River**

**Mr RYAN** (Leader of the National Party) — Given that the federal government has no responsibility for funding Murray River bridges but has nevertheless provided \$44 million for the three projects, I ask the Premier why his government has gone back on its promise to pay Victoria's agreed share of the project cost, particularly in light of his announcement yesterday that the state will fund half the cost of the \$1.3 billion Scoresby freeway, which is yet another city project?

**Mr BRACKS** (Premier) — In the supplementary information to the question from the Leader of the National Party we are left in no doubt about what will happen to the Scoresby freeway if ever there is a coalition government. If one adds the Leader of the National Party's commitment made at the National Party conference, when he said he would reduce payroll tax by 1 percentage point for country and regional businesses — it did not get much publicity so we are happy to publicise it for him — that one announcement will cost the budget some \$1 billion. I am not sure how many bridges you can buy for \$1 billion, but I bet you it is a heck of a lot!

We are still committed to our undertakings. We are working on the planning for this particular bridge. I am disappointed in the honourable member's attitude to the Scoresby freeway, because it will advantage the whole of the state and not just the region in which it will operate — it will take 1 million people and it will take manufactured goods. I am also disappointed with the response of the federal National Party coalition Minister for Transport and Regional Services, Mr Anderson, when he was responding to our claim

asking the federal government to lift its funding from \$220 million to about \$600 million.

**Mr Ryan** — On a point of order, Mr Speaker — —

**Mr BRACKS** — You asked about the Scoresby.

**Mr Ryan** — On a point of order, Mr Speaker, on the question of relevance — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government benches will come to order so I can hear the point of order.

**Mr Ryan** — I only take it to assist the Premier to get the instruction which he just got from the Minister for Transport. The issue is about the project costs on those Murray River bridges. I know the Premier has a fixation with the Scoresby freeway. The question is with regard to a commitment his government made to the Murray River bridges, and I want him to honour it.

**The SPEAKER** — Order! I do not uphold the point of order.

**Mr BRACKS** — The National Party federal transport minister said in response to our claim that the federal government should lift its funding for Scoresby from \$220 million to \$600 million, 'It may be a road of national importance but we do not always fund them to 50 per cent of the funding'. That was the first time I had heard that. Just as he did with what he said of the Calder Freeway — which was backed up by the shadow transport minister — and had to back-pedal the day after, he is trying to back-pedal on the 50 per cent funding. In our budget there is funding for those three bridges in the forward estimates.

**Mr Batchelor** interjected.

**The SPEAKER** — Order! The Leader of the House!

**Mr Leigh** interjected.

**The SPEAKER** — Order! The honourable member for Mordialloc!

### **Public sector: capital works**

**Ms ALLEN** (Benalla) — Will the Treasurer inform the house of the latest information concerning the allocation of capital works across Victoria?

**Mr BRUMBY** (Treasurer) — I thank the honourable member for Benalla for her question and advise the house that today I am pleased to release the

*2001–02 Public Sector Asset Investment Program.* The document outlines the \$2.13 billion of new asset investment projects approved by the Bracks government in this year's May budget.

It is the biggest infrastructure investment program in our state's history and represents a 57 per cent increase in overall capital works investment on the last Kennett government's budget. In other words, the Bracks government is delivering today on its promises but building for tomorrow by making investments in essential capital works that are needed to grow the state.

As I said, the document lists \$2.13 billion of projects. When they are added to the projects approved in the first Bracks government budget, the government has approved new capital works totalling \$3.4 billion. I will turn to the level of new infrastructure initiatives included in the document.

**Mr Cooper** — On a point of order, Mr Speaker, I refer to a ruling you gave on 1 June last year when you said that in replying to a question a minister should not respond with extracts or information contained in a report tabled that day. The Treasurer is clearly referring to a report that has been tabled today, and I ask you to rule him out of order.

**The SPEAKER** — Order! I do not uphold the point of order. I was listening carefully to the Treasurer, and he was providing information to the house about what his government is doing in this area. He made passing reference to the release of a report. The Chair is not in a position to know the contents of that report.

**Mr BRUMBY** — In terms of what this asset investment program means for Victorians — —

**An Honourable Member** — Give us some examples!

**Mr BRUMBY** — I will give you some examples. It means 136 school projects across Victoria. These involve computers, new classrooms, information technology and new library projects right across the state. The document lists 16 new health projects, including redevelopments at the Austin and Repatriation Medical Centre, the Grace McKellar Centre in Geelong, the Stawell District Hospital, the Ararat Hospital and Wyndham Community Health Service. It also lists 24 new Country Fire Authority projects across the state that total \$21 million — double the size of programs in previous years — and \$39 million for new and replacement police stations.

The program is substantial. The only thing that is growing more rapidly than the government's

infrastructure investment program in this state is the size of the opposition's front bench.

*Honourable members interjecting.*

**Mr BRUMBY** — As I said, the projects listed are across the state. Some are in the electorate of Evelyn, including school projects such as the modernisation of the library and funding for technology-enhanced classrooms at Birmingham Primary School at a cost of \$1.7 million.

The programs include the one at Lilydale Heights Secondary College in the electorate of the honourable member for Evelyn. I am sure those projects will be of great support to the honourable member for Evelyn. Also listed are other school projects right across the state. In the seat of Bennettswood, for example, a new school is being built called the Princess Elizabeth Junior School for Deaf Children at a cost of \$2.5 million. The honourable member for Bennettswood — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask those on the government benches to come to order, particularly the honourable members for Springvale and Mitcham!

**Mr BRUMBY** — There are projects, too, for the honourable member for Kew. We call the section of the backbench containing the honourable members for Evelyn, Bennettswood and Kew the transit lounge because they are just waiting to come — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Treasurer to come back to answering the question.

**Mr BRUMBY** — I am coming back because this is a serious matter. Page 68 of the *2001–02 Public Sector Asset Information Program* shows that the government has approved \$750 000 this financial year for renovations and modifications to the Legislative Assembly chamber. That money is committed. Various drafts of the modifications have come across my desk, but from the Treasury's point of view — —

**An honourable member** interjected.

**Mr BRUMBY** — No, we have committed \$750 000 for this project, but there is a limit to what the government can spend. I am deeply disturbed by articles which suggest that the opposition front bench could be overrun by ambitious backbenchers including Ron Wilson, Andrew McIntosh and Martin Dixon, and

Carlo Furletti, Maree Luckins and Neil Lucas in another place — —

**Mr McArthur** — On a point of order, Mr Speaker: I am fascinated by what the Treasurer has said. However, it has nothing to do with the question and he has now been answering for something over 7 minutes. Given the requirement of sessional orders adopted by the house at the start of this Parliament, I suggest that that is definitely not concise, nor is it succinct, and I ask you to draw him to a close.

**The SPEAKER** — Order! I uphold the part of the point of order that relates to succinctness. The Treasurer has been speaking for well over 7½ minutes. Even allowing for interruptions, he is taking a long time with his answer and I ask him to conclude.

**Mr BRUMBY** — The last point that I want to make is an important one for all honourable members, particularly the regional and rural members.

The 2001–02 *Public Sector Asset Investment Program*, which I am tabling here, shows that 45 per cent of all new asset investment projects approved by the Bracks government are investments in rural and regional Victoria. To put a numerical amount on that, \$951 million of infrastructure projects in rural and regional Victoria are detailed in this report. To put that into perspective one should go back two years to the last Kennett budget when 22 per cent of the budget was spent in regional Victoria, which in money terms was \$309 million.

We had the question before from the Leader of the National Party — —

**The SPEAKER** — Order! I ask the Treasurer to conclude his answer.

**Mr BRUMBY** — It shows the huge commitment — —

**Mr Ryan** interjected.

**Mr BRUMBY** — You hate this investment in country Victoria, don't you? You asked a stupid question about the Scoresby freeway and you are embarrassed by the fact that we are spending 45 per cent in country Victoria.

**Mr Ryan** — On a point of order, I think it is self-evident — the Treasurer has been told to sit down, and he should. It is over about 8 minutes now.

**The SPEAKER** — Order! I do not uphold the point of order, and I ask the Leader of the National Party to

refrain from taking such points of order. The Treasurer has concluded his answer.

### **Disability services: industrial dispute**

**Mrs ELLIOTT** (Mooroolbark) — I refer the Minister for Community Services to a memo dated last week and leaked from her department in which the minister expressed concern about draft letters for her signature. Why has the minister shown great concern over petty matters such as the use of suitably sized envelopes and address block formats when she has not lifted a finger to resolve the industrial action affecting some of Victoria's most vulnerable citizens?

**Ms CAMPBELL** (Minister for Community Services) — What a petty question! It would be interesting if any Liberal member who has received any such correspondence could provide me with a copy of it, because according to my documentation there is a very interesting interpretation to the kind of question the honourable member has just asked.

In terms of the major issue which the house would consider important today, I repeat that the Health and Community Services Union and the government are working to resolve the issue of disability services. We are doing that in the context of a 25 per cent increase in the disability budget under this government, and we will be delivering a resolution in the context of a career structure for disability service workers and a better outcome for people with disabilities.

### **Chisholm Institute of TAFE**

**Mr HOLDING** (Springvale) — Will the Minister for Post Compulsory Education, Training and Employment inform the house of what action the government is taking to ensure the financial and educational viability of the Chisholm Institute of TAFE?

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — Many members of the house would be aware that the Chisholm Institute of TAFE has been in financial difficulties since its creation by the former government in 1998; it has been in deficit since it was created. The position has worsened each year to the point where the institute is technically insolvent and has not reached its contracted delivery targets. At the end of last year the accumulated deficit of the institute was \$15.9 million, and the government is budgeting for another loss this year.

This appalling situation is a result of the very flawed amalgamation put in place under the direct leadership

of the former Minister for Tertiary Education and Training, the honourable member for Warrandyte. The member led the amalgamation despite many in the community saying that it should not go ahead. It was a flawed amalgamation, everyone said so at the time, and those concerns have been proven by these results.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order to allow the minister to continue.

**Ms KOSKY** — On this side of the house, the Bracks government is clearly not prepared to stand by and let this financial travesty continue. It has not only been a financial travesty, but it has been an educational travesty for the Chisholm Institute of TAFE and for all those students in the south-eastern corridor of Melbourne.

As many in this house know, at the beginning of this year I ordered a comprehensive review to look at what we could do to fix the black hole left by the previous government. The review confirmed significant financial and operational problems. It said the problems can be attributed to governance arrangements that were not fully effective; the lack of an appropriate performance culture; difficulty with budget construction; and less than optimal links with the community, especially disadvantaged groups, industry and universities.

The review recommended a new organisation structure for the institute; a plan to integrate existing and develop new management information systems; improved financial planning and accountability frameworks; and also the separation of the Moorabbin campus from the Chisholm institute and its integration with Holmesglen Institute of TAFE.

**Mr McArthur** — Mr Speaker, I rise on a point of order on a similar issue to that raised by the honourable member for Mornington earlier. I understand there was a report tabled into this matter earlier today, and the minister now appears to be quoting extensively from that report. I ask you, Mr Speaker, to draw her attention to your earlier ruling.

**The SPEAKER** — Order! I do not uphold the point of order. The minister was responding to the question that asked what her government was doing to ensure the viability of the Chisholm institute. I will continue to hear her.

**Ms KOSKY** — I think the honourable member for Monbulk's comment reflects the lack of commitment to Chisholm Institute of TAFE and to its being a financially and educationally viable institute. Today I

am giving my in-principle support for these recommendations, and also an immediate cash injection of \$5 million to the Chisholm Institute of TAFE in order to immediately assist it to restructure. This government — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the honourable member for Bentleigh to cease interjecting! The honourable member for Tullamarine!

**Ms KOSKY** — Speaking of political agendas, I think the honourable member for Bentleigh is in the departure lounge section of this house.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister, responding to the question.

**Ms KOSKY** — To suggest that this is politically motivated flies in the face of all the facts. We do know the amalgamation was definitely politically motivated by the previous minister — very much politically motivated. It was driven by ideology and not the facts as they stood at the time. This government is making a major commitment to Chisholm Institute of TAFE; it is making a major commitment to all of the students along the south-eastern corridor in Melbourne — an area that is absolutely vital in terms of providing a skilled community for growth in the south-eastern corridor.

We are also ensuring through Holmesglen Institute of TAFE that the Moorabbin campus will be in very good hands. The Holmesglen Institute of TAFE has indicated that it is prepared to make a major investment into the Moorabbin campus as well. So it is a win-win situation all around. This government will ensure that education and training grow in this state, particularly in those important areas of Melbourne, for the benefit of all the students.

### **Disability services: industrial dispute**

**Mrs ELLIOTT** (Mooroolbark) — I refer the Minister for Community Services to the month-long industrial dispute by the Health and Community Services Union that has affected thousands of intellectually disabled people and their carers, and to the fact that this incompetent minister has said nothing publicly about this dispute for almost four weeks. What message does the minister have for Victorians with an intellectual disability and their families who are affected by this dispute?

**Ms CAMPBELL** (Minister for Community Services) — The message I have for the Victorian community has been delivered over the radio, but I am delighted to repeat it in this house. The message for Victorians who have a disability, and for their families and carers, is that this government has delivered! It has delivered a 25 per cent increase in the disability budget, which went from \$570 million to over \$712 million! That is message no. 1.

Message no. 2 is that under the previous government — in fact, under the previous minister — the career structure for disability workers was removed and a classification called ‘Human services worker’ was put in. Guess what is at the heart of this current dispute — the removal of a career structure and its replacement with a human services worker classification.

My third message is that under the budget of the Bracks government we are delivering training. We are reinvesting in training and we are reinvesting in a health and community services work force that is skilled, because we do not accept that people with an intellectual disability or any other disability should have untrained workers. In order to do that, we are addressing — —

*Honourable members interjecting.*

**Ms CAMPBELL** — I am delighted to pass that message on to those who did not hear it on ABC radio. The \$9 million that was in the disability training budget when the Kennett government took office was cut. Was it cut by half? No, it was cut to \$3 million — that is, it was cut by two-thirds. The previous minister was not satisfied to have it cut by half; when he took office it was cut to \$3 million, not \$9 million.

*Honourable members interjecting.*

**Ms CAMPBELL** — The previous minister, for those who have forgotten, is the current Leader of the Opposition.

My fourth and final message is that this government will deliver a resolution to this dispute — and it will deliver it in under the 30-odd meetings that the previous government took to address it!

### **Forests: box-ironbark**

**Mr HELPER** (Ripon) — I ask the Minister for Environment and Conservation to inform the house of the government’s reaction to the final report of the Environment Conservation Council into box-ironbark forests.

**Ms GARBUTT** (Minister for Environment and Conservation) — I was pleased to be able to table this morning the final report of the Environment Conservation Council on its box-ironbark forests and woodlands investigation. The consultation involved five years of investigation and 3500 submissions, so it was a considerable and detailed process. The final report differs considerably from the draft report and demonstrates that the ECC was listening carefully to stakeholders and the community.

There is obviously an urgent need to protect box-ironbark forests and the great range of biodiversity they contain, and that need is amply demonstrated in this report.

The box-ironbark forests have been extensively cleared over Victoria’s history — just 17 per cent of their original coverage is left now. Around 350 threatened or near-threatened species of birds, animals and plants have been recorded in these areas, and they continue to decline and be at risk.

The government is committed to protecting these forests — it made that policy commitment before the election — but it is also strongly committed to rural and regional Victoria. As a result it will be examining the report — the impacts and implications — very carefully and seeking to find the balance between protecting the box-ironbark forests, jobs and regional economies, and the townships of rural and regional Victoria.

Over the coming months the government will be consulting extensively with stakeholders, interested parties and the opposition about the impacts and implications. The government recognises that there will be some impacts — the benefits and impacts have been spelt out in the ECC’s report — and will be developing a strategy to overcome them. Undoubtedly there is going to be a degree of anxiety around the towns affected by the report.

Clearly, what we all want to know is what will the opposition’s attitude be? The previous government set up the ECC, gave it the inquiry and also recognised environmental issues. The experience with marine national parks was that the opposition bluffed its way through, played political games with and took short-term political points on the issue. And not once did it reveal to the world what its true position was! It was all smoke and mirrors. This will be a great challenge to the opposition to put its environmental credentials on the table.

The government is happy to develop a bipartisan position, but game-playing, scaremongering, and

adding to anxiety out there in rural and regional Victoria is not the basis for a good outcome. The government is more than happy to sit down and undertake constructive talks with the opposition, but the government needs to know that the opposition is fair dinkum.

**Disability services: industrial dispute**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Minister for Community Services to the fact that the Parliamentary Secretary to the Premier, the Honourable Kaye Darveniza, is a former state secretary and still a paid-up member of the Health and Community Services Union, whose bans are devastating the lives of thousands of Victorians with an intellectual disability. Is this yet another case where this minister and this Labor government are more interested in looking after their union mates than looking after Victorians with a disability?

**Ms CAMPBELL** (Minister for Community Services) — The answer to the question is no.

**Community services: residential care**

**Mrs MADDIGAN** (Essendon) — My question is also to the Minister for Community Services, and what an excellent minister she is! Will the minister inform the house of the results of the recent audit of residential care for children and young people, and the government's plans to improve the standards of care for young people in this state?

**Ms CAMPBELL** (Minister for Community Services) — When the Bracks government took office there were widespread concerns about the standard of our residential care systems for children and young people. Unfortunately, there was no data to explain exactly what those problems were.

The previous minister for community services was not only content to starve the residential care system but to put out to tender a system that did not have standards in place, nor was it adequately funded. The previous government, when it contracted out the provision of accommodation, did not require agencies to achieve minimum standards.

In contrast to that miserable past the Bracks government has been prepared to ask the difficult questions and, together with the non-government sector, deal with those complex issues in order to ensure that care standards are improved.

We are proud to have conducted the first ever audit in the state of our residential care system. In fact, this is

the first government that has ever conducted an audit on residential care. And why did we do that? We did it because we are concerned about quality services and the standard of care provided to children and young people.

Today I am very pleased to announce that the Stronger Youth, Stronger Communities strategy, which is a 50-point strategy specifying percentage-based improvements and minimum standards to be required by agencies that are contracted to deliver our residential care system in Victoria. The strategy specifically addresses a number of very key issues which are of deep concern and which were raised by the audit.

I acknowledge the need for stronger collaboration between the government and non-government sectors — something that did not occur in the past. The government is proud to deliver on these progressive improvements in partnership with the non-government sector.

The audit raised a number of issues, as I said, of deep concern. When the preliminary data was collected earlier this year I immediately ordered that children and young people be linked to education and training, that appropriate counselling programs be put in place and that behaviour treatment programs also be instituted where appropriate.

Among the 19 specific percentage-based improvements, as well as the 31 minimum standards required under the Stronger Youth, Stronger Communities strategy, agencies will be required to ensure the following: that all children and young people in residential care have an annual medical and dental checkup; that all children and young people with substance abuse issues are referred to alcohol and drug treatment services; that all children and young people are involved in education or vocational training programs; and very standard and very clear programs, programs that should be available to these young people. The Bracks government delivers.

In response to the need to improve the standards we invested an additional \$7.5 million in our last budget. We are not setting the agencies up for failure, we are working in partnership with them and giving them funding to do so.

Further, in response to the long-held concerns by agencies we have given them the flexibility to ensure that the way they deliver their services better meets the needs of clients. Often they know the best way to deliver for the clients, and we have given them that flexibility.

I acknowledge that service providers have a difficult task with many of the young people they have in their care, including some of the state's most damaged young people. I wish to pay tribute to them for their work, in partnership with the government, in delivering Stronger Youth, Stronger Communities. We will deliver progressive improvements as a result of the audit, the working in partnership and the \$7.5 million that our May budget delivered.

## COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

Debate resumed.

Debate adjourned on motion of Mr **BATCHELOR**  
(Minister for Transport).

Debate adjourned until later this day.

## PERSONAL EXPLANATION

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — I desire to make a personal explanation. It has been drawn to my attention that the number of higher education research places which Victoria has lost is likely to be 1370, not 1443, as I indicated to Parliament yesterday. That is 41 per cent of the national total, not 43 per cent, as I indicated both yesterday and at the Public Accounts and Estimates Committee hearing on 7 August 2001. The mistake was a calculation error.

## TRANSPORT (FURTHER AMENDMENT) BILL

*Second reading*

Debate resumed from 7 June; motion of  
Mr **BATCHELOR** (Minister for Transport).

**Mr LEIGH** (Mordialloc) — I rise in response to the second-reading speech on the Transport (Further Amendment) Bill. This is another exciting piece of legislation from the Bracks government, which this session has had almost nothing to bring before the chamber other than general bits and pieces of legislation, many of them the winding-up of things done by the previous administration. The winding-up of the Public Transport Corporation is an example of that.

As the house will be aware, the removal of the Public Transport Corporation into history has come about

because of what occurred in one particular year at the Australian Grand Prix in Melbourne, when the unions decided to sabotage the race. The result of that action was the introduction of legislation that ensured that that sort of nonsense would stop for ever.

**Mr Carli** interjected.

**Mr LEIGH** — The honourable member for Coburg says it did not happen! Another honourable member opposite who now goes to the grand prix also has had a big memory loss! The fact is that what brought about the winding-up of the Public Transport Corporation is that a union decided to wreck the grand prix, which honourable members should remember is telecast worldwide. As a result of that union action people had to make their own way to the grand prix, which caused a great deal of disruption to many people. The result of all that action was the franchising of the public transport system to what was then Bayside Trains, Bayside Trams, Hillside Trains and Yarra Trams.

I am sure the house is aware that, contrary to the nonsense perpetrated by the then Labor opposition spokesman and now Minister for Transport that that was the sale of the public transport system into the private sector, it is a franchising arrangement. It allows those companies to operate a public transport system for between 10 and 15 years into the future. The side benefits are what I and others hope is the beginning of a new age for the rail and tram system in metropolitan Melbourne.

The other day the Minister for Transport participated in the celebration of Yarra Trams displaying its new trams. The minister was there claiming all the credit. Good luck to him. It does not worry me but I invite people who read this debate recorded in *Hansard* to look at the contracts of the franchising arrangement on the Internet. They will see that the construction of 36 new trams and their introduction into the metropolitan system of Melbourne by Yarra Trams was part of those contractual arrangements.

As a result of that contractual arrangement they are a new generation of low-level trams, which with the right platform arrangements enable easier use by disabled people and the older members of our community. The minister obviously took credit for that, and good luck to him for doing so.

However, what is also interesting about what is happening with Yarra Trams is who it chose as its chairman — none other than former Guilty Party minister, the Honourable David White, who is on something like \$100 000 a year as the chief lobbyist for

Yarra Trams. That is fine, but what the community should become aware of is that Yarra Trams is an intricate part of this government. Make no mistake, when it chose David White as its chairman Yarra Trams decided to become part of the government, and that is fine by me.

**An honourable member** interjected.

**Mr LEIGH** — You should realise that under the franchising act it does not matter who runs the system, whether it be a tram company or a train company. I will tell you who runs the system.

**Mr Viney** — They do.

**Mr LEIGH** — Under the contracts? What nonsense! The honourable member for Frankston East says, 'They do'. If he bothered to know anything about either the contracts or the act of Parliament he would know that the minister runs the system. The honourable member for Frankston East is a member, I might add, whose involvement in this is also important, because on the one hand, out of these arrangements and the winding up of the PTC Ballarat will supposedly get a 1-hour train service, a rolled gold commitment, although the service has now gone up to 65 minutes. But you know something? On the other hand, passengers who travel by train from suburban Frankston to metropolitan Melbourne take on average longer than what these characters are proposing for Ballarat residents, because Ballarat is the Premier's home turf.

So what has been achieved by the honourable member for Frankston East, who is involved in this — who promised flier trains, who promised all sorts of things down in that neck of the woods? Not much, because none of it has been in his area, as it could best be described.

In recent times, following the winding up of the Public Transport Corporation, the Attorney-General, who is also the bit-minister for the manufacturing industry and for racing, turned up in Ballarat to talk about all these wonderful new trains that would be purchased, saying, 'Isn't this magnificent?'. And a funny thing happened on the way to that: once again all this was part of the franchising agreement — and honourable members can look it up.

**Mr Nardella** interjected.

**Mr LEIGH** — If the honourable member for Melton had the ability to look up the Internet, which I severely doubt, he would find that the contracts are in place. I say to anybody listening to the nonsense he is

coming up with that these arrangements came about from the franchising of the public transport system. As I said, it is a franchise, with the minister in control of the system.

Let me give the house a very good example of how the minister can control this system, if he so chooses. Not too long ago Bayside Trains, now M Trains, decided it could get rid of the family day pass. It announced the removal of the pass and that double the fees would be charged for any family members who wanted to use the metropolitan system. So what did we get? We had the Minister for Transport saying, 'It is nothing to do with me. I can't do anything about this. This is all to do with Bayside Trains, now M Trains. I can't do anything about that'. And off he ran to his corner. So out I came with the sections of the act and the contract, and I was able to show that he could control the system.

Do honourable members know what happened a day or so later? A funny thing happened on the way to the train station: the Minister for Bayside Trains reintroduced the pass! Why? Because the minister knew that he was going to be beaten over the head from one end of this state to the another by family members who wanted to use the public transport system — all because he took his eye off the ball!

I know I say this regularly in this chamber, but I will quote one of those great public transport users, Mr Kenneth Davidson of the *Age*, who describes the now Minister for Transport as not the worst minister for public transport in the history of Victoria, because there is a big queue in front of him, but probably the laziest.

Kenneth Davidson, not I, said that. The minister has been asleep at the wheel. He has introduced bits and pieces of legislation, with the result that the Public Transport Corporation will be wound up. Current employees of the PTC — or at least what is left of them — will become part of the Department of Infrastructure and the responsibility of its secretary, Professor Neilson, one of the former wonderful bureaucrats from Brian Howe's administration in Canberra who is now running both the public transport system and the road system in metropolitan Melbourne.

The community should understand that the real Minister for Transport in Victoria is the Secretary of the Department of Infrastructure. I have some inside knowledge of what happens in that department. Some weeks ago I was speaking to an individual who regularly works for the department. I asked him how things were going inside the bureaucracy. He replied, 'Oh, the bureaucracy is very happy with the government because the government is listening'. I

thought, 'Fair enough'. He said, 'You missed my point'. I asked, 'What is that?'. He said, 'The ministers do everything the department says'. In other words, the ship is sailing straight at the iceberg.

Nobody is in charge; they are all in the wheelhouse having a committee meeting. Across the state nobody is directing the public transport system, including the rail and bus systems in country Victoria. The control and coordination of the state seems to be deteriorating. The golden age that was about to be is now not looking so certain.

The last study of Victrack shows that only David White's company has improved its performance and that the other three are going in the other direction. I am not sure whether that is due to David White's managerial skills, because frankly when he was a minister in the Cain and Kirner governments he did not demonstrate the managerial skills that currently seem to operate at Yarra Trams. I presume he is simply the chief lobbyist running the place rather than a manager, for which he gets about \$100 000 a year.

The PTC used to be responsible for the policing of passengers who were supposed to but did not purchase tickets. Recently, through amending transport legislation, that responsibility was handed to the private companies. As the shadow Minister for Transport I receive a lot of communications, and therefore complaints, from people who have used the public transport system. Up until the last couple of years of the former coalition government nobody had ever quantified how much revenue was being lost on the public transport system. At the time a big song and dance was made of the results, which were shocking. It was said that conductors would have saved everybody, which I do not think was true. Having used the Melbourne tram system, I know that some conductors did a brilliant job, but others did not.

I am interested in the attitude of Yarra Trams. I get more complaints about Yarra Trams than I do about the other companies. I call on the minister to publicly release whatever reports he has on the assaults or otherwise that have taken place on the trams of the private operators, including Yarra Trams. Honourable members may remember some rather shocking photos printed in the *Age* some weeks ago showing about three officers holding one bloke down on the ground. I do not know the story any better than anybody else, other than the minister and David White. If people are to have confidence in the public transport system, the ticketing inspectors and the 1-in-14 chance of ever running into a so-called conductor on the system, it is imperative that

the minister clear the air about what is going on with these people and their policing mechanisms.

Back in the 1980s, before the Kennett government took office, the Public Transport Corporation was employing security people who had criminal records involving matters such as paedophilia. The former coalition administration cleaned up that area and got the police involved in the system.

It is very important that people who have a responsibility for security on the public transport system do not get the reputation of being like rave party bouncers when dealing with people. It is true that we want to make sure people pay their fares, but it is also true that people should be able to have faith in the system that is operating.

Just imagine for a moment what it would be like if the tables were turned, the government was in opposition and the house was referred to the headline in the *Herald Sun* of 21 August, 'Brutality claims tested', or the *Age* headline of the same day, 'Train inspector assault claim'. I wonder how long it would take for the Minister for Transport to be standing on this side of the house babbling about outrageous assaults by Gestapo-type individuals on people using the public transport system. I know how he would act. He would be the first up crowing about it. But what is he like today? A mere pussy cat compared to what used to go on.

Who is the big defender of Yarra Trams and its involvement in this? None other than the Minister for Transport. He has a serious conflict of interest because of his long association with the former Guilty Party minister, Mr David White. I think they should come clean as to what is going on. Why is it that Yarra Trams, rather than the three other companies, is the one developing the reputation for having the most severe attacks and assaults on people on its public transport system?

If it is not true, the minister should release all the documents. As we know, the so-called open and transparent Bracks government in Victoria is not so open and transparent. It thinks everything is a draft document before cabinet these days. I call on the minister to make available the material that would show, particularly with Yarra Trams, what is going on and whether these people have unfairly assaulted others. Another example was reported the other day. It seemed to me from listening to what the young lady said and the stories that were told — I know there are two sides to every story — that a heavy-handed approach was being taken. We do not want

Gestapo-type tactics on the public transport system. That is what some people are alleging these days, certainly from the phone calls I have received.

A number of people who ring are members of the Labor Party. They keep asking, 'Why don't you stand up to Peter Batchelor, because he is pinching your policies?'. I have said to them, 'We have to find out the truth about these circumstances'. If the truth is that someone has done something wrongly, such as not paying to be on a tram or assaulting one of the security people, they should be dealt with fairly through the courts. That is not what we are hearing at this point.

If there is another side to the story, the time has come for the minister to make it known publicly, so people can have confidence in the public transport system of Victoria as it is operated by these companies. Why is it that the only one of these companies that is currently succeeding is the company run by David White? It is very interesting and obviously worth the \$100 000 a year they pay him.

One of the other issues involved in this concerns the Onelink contract. That contract is very interesting in that it shows what occurred in this state with the introduction of ticketing machines. Ticketing machines operate successfully all over the world. I must say I was one of the people who was involved in the committee headed by the then transport minister, Mr Brown. That committee looked at what automatic systems were and were not capable of doing. Governments often face the same problems as the rest of us in the community. If you are building a house, you do not necessarily take the cheapest deal, you take the deal you think will give you the right contract and achieve the right end. The Onelink contract with the former government was \$100 million cheaper than the other two contracts.

If the previous government had not taken that contract one could well imagine the current Minister for Transport screaming at the top of his voice from the opposition benches about how inappropriate it was to go to a more expensive contract. Because that contract was cheaper, it was written in such a way that it would be years before the contractor got any money out of it — for the simple reason that it had to maintain performance standards. The real test of the Minister for Transport will be how he deals with a \$217 million ambit claim from Onelink which is now before the government for an alleged contractual breach by the previous government. That is quite clearly ridiculous.

I do not use bad language, but this is Parliament and we should be quite clear that Onelink did not deliver the goods as it was supposed to — on time and according

to the arrangements it was supposed to enter into. One part of the contract was that it was supposed to use current technology. There were aspects of its work where it did not use current technology. Frankly it does not do well for the minister to seek to simply play games with this contract out in the public arena and use it as another example with which to beat the former administration over the head.

As a bit of a reminder for the government I go back to 1991, when Jim Kennan — a self-appointed Queen's Counsel — was the Minister for Transport. When he was Attorney-General of this state he considered that his credibility was so great that he appointed himself a Queen's Counsel — that is a very credible thing to do!

Jim Kennan was the Minister for Transport who decided Victorians would have to buy scratch tickets. He was so clever that he bought 120 years worth of scratch tickets for the public transport system. We still have them sitting in a shed somewhere! I found them, along with the bits and pieces that came off the trams, including the cages that the former Labor government paid \$15 million for. The then government was planning to get rid of tram conductors — which Labor members so clearly forget these days — and it was going to put cages in the trams for the drivers. The conductors union went nuts and the then Minister for Transport pulled them out and put them in a shed which became known as the bat cave. One day I got a fax showing me where the bat cave was underneath West Gate Bridge — and there were all the bits and pieces from the trams.

The former Labor government sold all the cages for about \$150 000 — I stand to be corrected — and they went to New Zealand. So the former Labor government spent \$15 million buying the cages for the Public Transport Corporation and sold them for peanuts. The current Minister for Transport knew about it and was involved in all that.

When government members want to criticise aspects of the contractual arrangements with Onelink, they should remember that every time the Minister for Transport opens his mouth and says the wrong thing he will actually cost the state money in some form.

Whatever the flaws with that contract under the former administration, the Minister for Transport's responsibility now is to ensure that Victorian taxpayers do not have to pay. Frankly, taxpayers should not have to pay because Onelink did not deliver the goods.

Yesterday honourable members heard the head of Connex babbling on about how the previous

government fragmented the system too much, that we should not have done that and that it was an outrage. What the head of Connex wants is a monopoly private/public system. He wants a monopoly that a private company runs.

Whatever anyone would like to say about the system, one thing that must be said about Onelink and the Public Transport Corporation is that when there is a strike today only a bit and not all of the system goes out. When Bayside Trains — now M Trains — have a problem, Hillside Trains and Connex still run, and Swanston Trams and Yarra Trams still run. So the government has broken the back of the monopoly of the union over this, which is a good thing. I would have the same view if a private corporation gained control of the entire public transport system. I have the same view about them as I do about the union movement: I do not want any private corporation to have a monopoly. Honourable members should not think that I am making an attack on the trade union movement. I do not support monopolies.

It is a difficult task in a public transport system. Obviously some organisation has to be given the total responsibility to run a service from one side of Melbourne to the other.

The fact is that it is a franchise and does not deliver the goods. Some day a transport minister, perhaps in 10 years, will have the responsibility of ensuring that somebody else gains control of it if the goods are not delivered. If a Labor government uses its power it will revert to the Public Transport Corporation and we will be back here debating the reintroduction of a name like the PTC.

Ultimately, the honourable member for Coburg and others would like it to fail, which is what private companies should understand. Those honourable members do not want it to succeed; they want their union buddies to control it again, unlike me who does not want either a private corporation or the unions controlling it. Honourable members opposite are happy to have the public service unions in control. What irks them about this whole system is that when the self-appointed QC, Steve Crabb and Tom Roper could not control it or the unions, as is the case with power, education, police and health these days, the one weakness of the government is that at the end of the day, as happened with the transport union, it knows it will cave in because it is owned and operated by the unions. The public should understand that 60 per cent of the voting rights that chooses the Minister for Education are from the trade union movement. She is controlled by them ultimately. She may not admit it, but

60 cent of any group that elects her come from the unions, and that gives them great power.

It was interesting in recent times to see Premier Beattie in Queensland trying to break that monopoly within his organisation, or even Mr Beazley, the federal opposition leader, who said the same thing. What irks government members with the PTC is that they could not sit down and negotiate a deal from a position of strength as did Alan Brown and his then assistant, the Honourable Geoff Craige in the other place. They were fair dinkum about dealing with them. These characters today know that this government is bluffing, because it is playing a hand of poker where it has 9 cards and the unions have 20 cards. They will not win, and they know it.

My caution to the Minister for Transport with respect to Onelink is that if he persists with what he has done publicly to date, he will be responsible for costing the taxpayer a great deal of money. At the end of the day the minister has a responsibility to ensure that there is either no taxpayer money involved either to the lawyers, the Slater and Gordons of this world if he chooses them, or anybody else, and that he stand up to Onelink to ensure that the government does not end up paying money. Despite what the head of Connex may say, the transport company does not deserve it.

This is the second round we have considered ticketing machines because the first time was in the mid-1970s where for years the machines sat in a building in South Melbourne because the unions did not want them introduced. The then Liberal government did not introduce them to the disadvantage of public transport in Victoria.

We now have a chance to correct that. I hope under the arrangements that continue to operate the Treasurer gains control of any of these guaranteed arrangements with Onelink. The Treasurer must be firm. His responsibility, even more than the responsibility of the Minister for Transport, is to ensure that not 1 cent is paid to them. Frankly, I do not believe they deserve it. Under the franchising arrangements the companies have decided to work together because it is in their ticketing interest to do so.

I turn to my favourite, City Link. What is interesting about City Link is that during the whole of its construction period the Minister for Transport went on to the site and illegally occupied someone else's property. He was breaking the law, but he did whatever he chose to do. I do not choose to do that as an opposition spokesman because I believe one has a responsibility greater than playing silly games. When

the Premier drove his ministerial limousine through the tunnel he said, 'We thought of all this and we would have done it differently'.

It is interesting to look back at history. It is true that in the 1985 state elections the then opposition, which was us, committed to building a tunnel under the Domain Gardens, which the Labor Party laughed at. A funny thing happened on the way to the circus! In 1991 the Labor Party came up with the proposal for the Domain Tunnel, and guess what it also came up with and who did it? The Labor Party came up with electronic tolling. Who was the minister who came up with electronic tolling? None other than that head of Yarra Trams and famous Guilty Party minister, that wonderful human being, the Honourable David White.

So when Premier Bracks and Mr Batchelor, the Minister for Transport, stand there crowing and saying, 'We really wanted to do this', they are right; they thought of the idea. However, had they been asked to implement it, years later we would have been paying hundreds of millions of dollars rather than the taxpayers being excluded from that arrangement, for the right reasons. If there are any financial arrangements between them — —

**Mrs Maddigan** interjected.

**Mr LEIGH** — The Deputy Speaker is trying — —

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member will ignore interjections. I also remind the honourable member to use the proper form of address when he refers to ministers and the Premier.

**Mr LEIGH** — The fact is that at the end of the day it was David White's idea, and he thought it was a great idea. It clearly was, but for years after the Labor Party ran around saying it had nothing to do with it. The former Liberal government picked up the idea, if you like, and made it work.

**Mr Nardella** interjected.

**Mr LEIGH** — The honourable member for Melton laughs, but does he do what former Labor Premier John Cain does? John Cain used to avoid freeways. He had a philosophical argument against freeways so he never went on a freeway if he could help it. How many times has the honourable member for Melton used it? Do you have an e-tag?

**Mr Nardella** — I have an e-tag, but I have never used it.

**The ACTING SPEAKER (Mr Seitz)** — Order! Interjections are disorderly.

**Mr LEIGH** — The honourable member for Melton says he never uses his e-tag; perhaps there is a photo around somewhere. I am sure the Minister for Education uses one.

The system basically works. It was a \$2.1 million deal that helped Victoria from the edge of its bankruptcy and was a good thing. There was no way to fund it other than tolling.

I wish to make a couple of other points. The minister can negotiate with City Link to make sure it introduces a weekend pass — or the corporate thing. Things come up to decide as time goes on, but he cannot negotiate with City Link when half the tunnel is closed, whether it is the Burnley Tunnel or the Domain Tunnel.

**Mr Nardella** interjected.

**Mr LEIGH** — The honourable member for Melton is wrong.

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Mordialloc, without assistance.

**Mr LEIGH** — The contract specified that neither of those tunnels was to commence tolling unless both of them were open, and who changed the contract? The now Minister for Transport did, so yes, he could have, but he gave it away.

**Mr Nardella** interjected.

**Mr LEIGH** — The honourable member for Melton should buy a computer and look at the Internet. He will find that the contract specifically set out that no tolling could commence without the opening of both tunnels. For some reason the Premier and the Minister for Transport gave City Link a cheque for \$50 million. Since then no doubt they turn up to their casino ventures.

The community should understand that they have taken away the position of strength from the state by breaking the contract.

*Honourable members interjecting.*

**Mr LEIGH** — Guys, you own it! I hope you get some of the \$50 million back, because you gave away Victoria's trading position.

The next time we do one of these amendment bills I will have a couple of other things to say on the next set

of amendments, because I know that under this government they will come up. Every time this contract comes up I have got new bits of information. If the minister can negotiate a corporate pass for City Link, why can he not negotiate that the toll be reduced when half of the tunnel is closed?

**Mr Nardella** — Because there has to be agreement.

**Mr LEIGH** — Dear me. I am trying to speak, but I keep getting interrupted.

The fact of the matter is that the minister can look after corporate groups in Melbourne through the introduction of 27-hour and 14-day passes, but he cannot negotiate what happens when you go through the tunnel if half the tunnel is closed.

**Mr Nardella** — That is because it was your contract.

**Mr LEIGH** — Dear me! Shocking!

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Mordialloc without assistance, particularly from the government benches!

**Mr LEIGH** — It is a pity that the commissioners did not abolish the Shire of Melton; they would have done us all a favour!

At the end of the day the opposition does not oppose the bill. It is not a bill we should be blocking. In closing, I say that there are other issues to consider. For example, if the honourable member for Springvale does not tell police his name when he does not have his e-tag they will book him and fine him 10 points. I hope he knows that that is what he is agreeing to today. So the Minister can negotiate with City Link to get their little bit of money back, but we should remember that the minister gets 85 per cent of any \$100 fine that is collected. City Link does not get it; the minister does, and he is not giving it back to anyone. He is putting it in his coffers for other things. While the minister, the honourable member for Melton and others say they cannot do things, I say that they can, but only when it suits them.

Clearly the two matters that should be put to rest publicly by the minister are, firstly, who is doing what on the public transport system. The barbarism that some people are alleging on the public transport system needs to be put out in the open in the public interest. Secondly, there are other things that need to be negotiated with City Link. If the minister can negotiate on some issues then he should be able to negotiate on others.

**Mr DELAHUNTY (Wimmera)** — I rise to speak on the Transport (Further Amendment) Bill, which is before the house. The Honourable Barry Bishop, the National Party shadow minister in another place, has prepared some briefing notes for me, which I appreciate, but I have only had them for half an hour.

As we know, the purposes of the bill are probably fourfold, but I will cover only three of them. One is to amend the provisions of the Transport Act 1983 to provide a mechanism for winding up the Public Transport Corporation. Honourable members are all well aware that the PTC was created as a statutory corporation that owned and ran the public transport network, including infrastructure and rolling stock. It has played an important role in Victoria.

Another purpose of the bill is to amend the Melbourne City Link Act 1995 to facilitate the introduction of weekend passes for a more flexible arrangement for infrequent users. This has grown from the introduction of 24-hour passes to 14-day passes. As country members of Parliament several of us come to Melbourne for various activities at weekends and other times, and we have seen a great improvement in the technology that City Link has available to allow this to happen. There is no doubt there will be further improvements that will allow for further changes to be made.

Another purpose of the bill is to ensure the use of warning notices will continue — I emphasise the point that the issuing of such notices is a part of a range of enforcement measures — and will stop in December 2002.

The National Party will not be opposing this bill. The bill has no major ramifications, but it is important in some areas, and I want to cover them. As I said, the bill provides the opportunity to clear up the final residue of the PTC and see its responsibilities and remaining liabilities — and there are a few those — transferred to the Secretary of the Department of Infrastructure. City Link can be extended, and the legislation covers warning notices.

Part 2 of the bill amends the Transport Act and the Road Safety Act. The Preston workshop employs about 15 people at this stage. I am also aware that the PTC still employs approximately 30 people under general employment contracts. I am informed that the workers' superannuation and other entitlements are protected and the workers will be offered alternative positions where applicable.

I know that members of the Legislative Council were in Ballarat last week when there was an announcement of further work there. It is pleasing to see this happening in Victoria. It has come about because of the changes made by the previous government, which I was not a part of. I can see the benefits of bringing world expertise into the companies that operate the Ballarat facilities. We have seen major investment and major works going on which create not only better facilities for people using public transport but important work for the people of Ballarat.

Clauses 14 to 17 relate to the Onelink contract. Honourable members are well aware of ongoing debate over some of the contract clauses. Some of the activities of the PTC will need to continue to fix up the Onelink contract.

Part 3 amends the Rail Corporations Act because of the abolition of the Public Transport Corporation. For reasons of time I will not go through that.

**Mrs Maddigan** interjected.

**Mr DELAHUNTY** — The honourable member for Essendon is asking me to slow down! Part 5 makes amendments to the Melbourne City Link Act.

I come back to the point of more flexible tolling arrangements. I was in the chamber when the honourable member for Bendigo East raised the point about a person coming to Melbourne having to buy a City Link pass and then, because they purchased another vehicle outside Bendigo, they had to buy another City Link pass to get back out of Melbourne. I do not think that person would want to bring up that experience today, because we want to encourage people to shop locally. The technology is allowing for these things to improve.

When I first entered Parliament I was given a briefing about City Link and read a lot about it. The system was not in operation at that stage, but it was frightening to hear some of the Labor Party members ask why City Link was built using private money.

**Mr Leigh** interjected.

**Mr DELAHUNTY** — Spot on. The state did not have the money. The Labor members asked the briefing people why the state did not borrow the money and were told that it could not borrow the money because state debt was up to the hilt, its credit rating was out the back door and everyone was paying high interest rates on their mortgages and car loans. The state could not borrow any more money. The Labor member then said,

‘The previous government left \$1.2 billion. We should buy it back off you people’.

As a country person I think it is a good project because Victoria now has good facilities without having to put up fuel taxes to pay for them. The people who use the road pay for it. Technology improvements will allow for more flexible arrangements on tolling, which will particularly assist those people coming in from the country. I note the reference to warning letters.

I want to touch on a few more things, although the Minister for Transport has just walked into the chamber and I have a couple of seconds to finish off. I support the Leader of the National Party. I am amazed by all the changes to the PTC. I heard it said earlier that for every \$100 collected in fines the government puts \$85 in its pocket. I hope that some of that money can help the state pay its contribution to putting bridges across the Murray River. Honourable members have heard that the government is prepared to put money into the Scoresby freeway, which is a city project.

Together with the New South Wales government, the Victorian government’s responsibility is to contribute to the maintenance of the bridges across the Murray River. There are three projects at the moment and I am sure the honourable member for Mildura, if he is on his billycart, will get onto the project near Wentworth, where the infrastructure does not allow the heavy mineral sands to get across.

I again call on the minister to put some of the money collected into these projects, which are the state’s responsibility, and to meet the commitment made by the Premier and this government that Victoria would contribute to funding the bridges over the Murray River.

I take this opportunity to raise a problem in my area of Wimmera. In the Northern Grampians Shire there is a little place called Glenorchy. The main road near the town runs from Rupanyup to Stawell. It is a raised road with a T-intersection where V/Line buses turn left and right. The Glenorchy residents are very concerned about an accident happening there. The intersection does not qualify for black spot funding as, at this stage, there has not been an accident there — and we pray to God an accident does not occur there. The intersection does not fit under the government’s guidelines. I know Vicroads is examining the traffic situation at the intersection, and I call on the Minister for Transport to fund work on what is a very dangerous intersection on the Rupanyup–Stawell road.

I will conclude and give other honourable members a chance to contribute to the debate. The National Party will not oppose the bill. It has consulted with the Royal Automobile Club of Victoria, the Victorian Farmers Federation, Freight Australia, the Transport Workers Union and others and does not see any significant problems with the bill. It will lead to major benefits for country Victorians.

**Mr CARLI** (Coburg) — I support the bill. Although it is rather minor, the bill performs two very important and necessary functions by cleaning up the Transport Act in relation to the winding-up of the Public Transport Corporation (PTC) and making City Link and the tolling system more flexible.

It has become necessary to wind up the PTC because the privatisation of the public transport system means the PTC no longer manages the state's public transport infrastructure and rolling stock. However, the PTC still exists and will continue to exist even after this bill receives royal assent, because it is involved in a number of outstanding issues — a very important one for me as a representative of the northern suburbs is the maintenance of the Preston tram depot. The depot is just outside my electorate, and the previous government left it in limbo with no real future.

I commend the Minister for Transport for being able to negotiate an agreement with the tram manufacturers whereby the tram depot will continue to function and maintain trams. It is an important asset in that it maintains a skill base in the northern suburbs. The depot is also important because it has an extraordinary collection of old trams. The depot is an historic element of our transport system. The government has saved the Preston tram depot, which will have 40 jobs. I commend the Minister for Transport because the Preston depot employees were thrown to the wolves by the previous government.

The honourable member for Mordialloc mentioned another important reason for the PTC remaining in existence — that is, the Onelink contract. As the honourable member pointed out, the ticketing contract was done on the cheap, and Onelink was the cheapest at \$100 million. Onelink is suing the PTC for well over \$200 million.

**Mr Leigh** — It is \$217 million.

**Mr CARLI** — Exactly. That claim is being made against the PTC for changes the previous government made to the Onelink contract specifications. The government knows the Onelink system is badly flawed; it has conducted audits and found that a considerable

number of the machines are not functioning at any one time. It has also discovered that the cheapest system at \$100 million — the one chosen instead of IBM's proven system — has led to the state and the PTC being sued.

This bill to wind up the PTC will not receive royal assent until 2003. That will allow time for the government to continue to defend the public interest by fighting the legal action. The state's defence of the Onelink case and the whole muck-up of the ticketing system by the previous government means the PTC will continue to exist for some time.

The PTC is a signatory to the Onelink contract and therefore continues also to be part of the collection in terms of the division of funds going through the ticketing system. That, however, does not need to remain in the PTC's hands, because the revenue clearing house is a private company in which the Department of Infrastructure and the transport ministry are represented and it can continue that task. We must not simply wind up the PTC as quickly as possible, or even as quickly as we would like — it is, after all, only a shell — because we must continue to at least have a legal entity in terms of our legal defence.

Having said that, the majority of what was the PTC now rests in other agencies. Some, like Victrack and the franchise companies, are public, so I suppose the PTC continues to exist inasmuch as it has been disaggregated and spread out. In terms of this bill the City Link amendments are very important. We have had a continuing struggle which we have been fighting for a number of years to improve the flexibility of the tolling system, because what was set up under the contract with City Link was incredibly inflexible and did not function effectively. I know that occasional users, particularly country users, find it very difficult to purchase the day pass; they find it very difficult to find the Shell service stations that supply them. There are obviously many Shell stations that do, but not all of them; and not all post offices supply them, although numerous ones do.

Clearly there are problems with the availability of the day pass. There are still problems with people with day passes being fined. I had a valid day pass and was fined. I had to have numerous discussions with the tolling company, Transurban, to point out its error — the fact the money had gone out of my credit card account as I had paid over the phone. Despite that, I was still fined. I was even sent a notice to go to the Magistrates Court. I was more than happy to go the Magistrates Court and defend the fact that I had paid for it, but the company withdrew the request.

There are major problems with the tolling system. We now have to live with the tolling system and an agreement which means that for 34 years Victorians, particularly people in the northern suburbs, the northern country areas and the south-eastern suburbs, will continue to pay, and pay large sums of money — essentially a windfall. If you look at the contract and the money that goes into Transurban — yes, they had a few difficult years early on — as the system builds up there will be a windfall to be made at the end. The rate of return is extraordinarily high. This was a bad agreement entered into by the previous government which we have to live with. The people of Victoria have to live with it and my constituents who live along that freeway have to live with it. But this government is going to improve on it — and we have.

Very early in government we introduced the Tulla pass. This pass is very important in my electorate because we negotiated a day pass that allows those occasional users of the Tullamarine Freeway — which used to be free, a genuine freeway, and now is a tollway — to have unlimited use for that day, which I understand now stands at \$3.05, substantially less than the \$8.50 it would cost to have a day pass from City Link. So clearly the Tulla pass has been important. We have extended the hours available to purchase a City Link pass from 12 o'clock the next day until 12 midnight the next day. Basically the government has made it much easier for people who want to use the freeway. I know of innumerable people in my electorate who had used the freeway and wanted to pay, but when they rang up after the 12 o'clock deadline they were told, 'No, you can't pay now. It is too late. You are fined'. At least that period has been extended.

The government also enabled reduced prices to apply on the Monash Freeway until the Burnley Tunnel was opened. It has arranged for the introduction of some off-peak passes, and it is continuing to look at the sorts of products that will ensure that Melbourne has a better tolling system and some toll reductions. The government has some support on that issue — for example, the Royal Automobile Club of Victoria has been very supportive of the government's efforts to identify and negotiate better products.

When Labor was in opposition I spoke many times from the other side of this house on City Link customer issues such as the practical problems faced by occasional users trying to purchase passes. The government is now trying to act on those problems, although clearly more needs to be done, and I take that on board. The government has made some improvements, but occasional users of City Link and people seeking day passes are still disadvantaged.

Occasional users from interstate and, more importantly, country Victoria are incredibly disadvantaged, as it is difficult for them to purchase passes. Sure, they can do it on the Internet, but not everyone has Internet access. Yes, they can buy them at some Shell service stations and at post offices, but not everywhere. Although the government is increasing the number of venues where that can be done, it accepts that the previous government created a tolling system that disadvantaged certain users of City Link.

Clearly this government is about trying to ameliorate the problems and improve on the mistakes of the past — and gee, were they great big mistakes! — and there is certainly a need for practical improvements. Although this bill is thin, it is nevertheless important because it sets out a genuine commitment by the government to improve the lot of City Link users and, in particular, the occasional users of the road.

I listened very attentively to the meandering speech of the honourable member for Mordialloc, in which he was unable to focus on the bill and what has been said about it as he took off on issues of fare evasion, David White and the conspiracy by Yarra Trams to prevent us maintaining a decent transport system. He has misread the City Link contract and misunderstood the whole process around it.

At the beginning of this debate the government tried to ensure that the house had a decent debate in which as many people as possible could speak on the bill. Clearly that agreement was broken by the honourable member for Mordialloc. It seems to me that —

**Mr Leigh** — On a point of order, Mr Acting Speaker, the agreement was that I would speak after question time. There was no other agreement. It is this government that has decided to close the house down at 4 o'clock, despite what it said it would do when it was in opposition. What the honourable member is saying is clearly not true.

**The ACTING SPEAKER (Mr Seitz)** — Order! There is no point of order. The honourable member can make that comment in a personal explanation, if he cares to use the appropriate channels.

**Mr CARLI** — We certainly had a barrage of comment from the honourable member for Mordialloc that had very little to do with the bill. We heard about the most incredible conspiracies, we heard a ramble through supposed transport issues and we heard the occasional headline from some newspaper or other, but we heard very little of worth about transport in this state or its management.

Victoria has a new public transport environment created by the disaggregation of its transport system through the introduction of new players, privatisation and franchise arrangements. We need to deal with that. This bill, along with many others, is about creating the right environment and settings to do that. The Minister for Transport is extraordinarily hardworking and committed to his portfolio. He has done more for the users of City Link and public transport than was evident during the seven dark years of Liberal rule.

As a government we are in a situation where we have to work with this environment. The government is committed to making sure it works. It is extraordinary that the honourable member for Mordialloc can suggest that the Minister for Transport and I want the system to fail. They are extraordinary accusations. We do not want the system to fail. We want it to work because we regard public transport and road networks as absolutely crucial to the amenity of people in the city, to our freight and to our economic performance.

It is incredible that the honourable member for Mordialloc should accuse the government of trying to sabotage the system for the interests of Yarra Trams, David White and the trade unions. Most of the workers in the franchise companies and in the private bus companies are trade union members. We are working with everyone — the unions, employers, franchisees and the public — to make the system, or the legacy left by the previous government, work. That legacy includes the ticketing system, with all its failings, and the disaggregation of the transport system.

On two occasions the manager of Connex has publicly accused the previous government of hastily disaggregating the system, of hastily moving towards the franchise system and of failing to understand and maintain the system so as to enable it to function effectively. The government knows about the flaws and the difficulties left to it by the former Kennett government, but it is here to fix them.

There is no doubt that the Minister for Transport is absolutely committed to making the system work and to moving as much as possible away from the problems created in the past to ensure that Victoria has one of the best possible transport systems not only in Australia but in the world.

I am pleased that the Liberal and National parties do not oppose the bill, the contents of which should not be trivialised. It is a small piece of legislation, but it is crucial and strategic. It builds on this government's strong platform of provision of public transport and road transport. As a government we are of the opinion

that more needs to be done. I appreciate the criticisms that have been levelled from all sides of the house about the tolling system and the difficulties and problems that have occurred, but they will be tackled and ironed out over time.

Transurban realises that it has to negotiate — it has been around the table — and that is why it has agreed to give the government a range of new tolling products. Transurban realises that we are fair dinkum about improving the system and that it needs to change. We accept that Transurban has a 34-year contract which ensures it will continue to be around.

As a member of Parliament who represents a constituency on the edge of the City Link freeway I have taken the view that we have to work through some of those problems with Transurban. I want Transurban to be an asset for our community. We cannot get rid of the tolls, but we should at least allow Transurban to be a good corporate citizen contributing to the wellbeing of the communities that I represent.

**Mr VOGELS (Warrnambool)** — In the 30 seconds I have left to me I would like the minister to have a look at a seven-day toll payment. If people coming from the country inadvertently get caught on the freeway they have to pay within 24 hours or face a \$100 fine. Could the minister talk to Transurban and perhaps change that contractual arrangement? Mutual agreements sometimes do work, and such a measure would probably find more people using the freeway, because sometimes you think, 'I have not got a tag, but — —

**Debate interrupted pursuant to sessional orders.**

**The DEPUTY SPEAKER** — Order! Pursuant to the resolution of the house of 21 August, the completion time ordered by the house has arrived.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## **CRIMES (VALIDATION OF ORDERS) BILL**

*Second reading*

**Debate resumed from 16 August; motion of Mr HULLS (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**COMMUNITY VISITORS LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL**

*Second reading*

**Debate resumed from earlier this day; motion of  
Ms CAMPBELL (Minister for Community Services).**

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

*Clerk's amendment*

**The DEPUTY SPEAKER** — Order! Pursuant to standing order 166, the Speaker has received a report from the Clerk that the following correction has been made in the Community Visitors Legislation (Miscellaneous Amendments) Bill:

In the heading to the new section 18A, being inserted by clause 5, the section number has been altered from '18' to '18A'.

**Remaining business postponed on motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).**

**ADJOURNMENT**

**Ms KOSKY (Minister for Post Compulsory Education, Training and Employment)** — I move:

That the house do now adjourn.

**Tertiary education and training: apprentices  
and trainees**

**Mr BAILLIEU (Hawthorn)** — I call on the Minister for Post Compulsory Education, Training and Employment to immediately release figures for private provider traineeships denied under freedom of information (FOI), and specifically the private provider traineeship entitlements for each provider as at 24 November 1999 and 8 December 1999.

The minister imposed a freeze on private providers on 24 November. There was a two-week cut-off for those in training but whose registration was still in the pipeline. We know that the total number of trainees for

those registered training organisations in November was 17 315 and that on 8 December it was 22 362 — an extraordinary 35 per cent increase of over 5000 traineeships in just two weeks. At the Senate inquiry the department head admitted this was an extraordinary increase — and it has taken \$12.5 million to fund.

It is a very simple FOI request: two sets of figures that are easy to produce, but the department head would not provide further details and the minister refused to give details to the Public Accounts and Estimates Committee. Repeated FOI requests have been denied, and now a review of those FOI requests has been denied. The claim has been that these figures have been commercial in confidence. What a lot of nonsense! The department has provided the very same figures for 1998 and early 1999, but not for the specific dates requested.

What is this minister hiding? She is hiding a corruption of the process. She is concealing secret deals with selected mates, trying to silence critics in the training industry, obstructing accountability, burying the evidence and blocking access to the facts. This is a scandalous denial of information to save her own hide. It is an outrageous denial of information. The minister should release the information immediately.

**European wasps**

**Mr DELAHUNTY (Wimmera)** — I raise for the attention of the Minister for Environment and Conservation a matter I have discussed with her before. I know she has some difficulty being here tonight, but she has given me an assurance that she will respond to this matter as soon as possible.

The minister and her department have taken their eye off the ball in relation to the potential damage to the Victorian and national agricultural environments, and to tourism, that the foreign predator European wasp is having in and around the Grampians National Park area in the electorate of Wimmera.

I will use a couple of examples. In April this year, 10 over-wintering European wasp nests producing 400 queen wasps instead of the usual 200 queens have been destroyed by the Stawell Wasp Seeker Group in Halls Gap on Department of Natural Resources and Environment land, or government land, and on private property.

European wasps were bothering tourists camping at the Mafeking camping and picnic area within the Grampians National Park. We are well aware of the large number of tourists who visit the Grampians

National Park, which I understand is the second most visited tourist attraction in Victoria.

During 1998 the regional vignerons reported losses in some vineyards of more than 15 to 30 per cent. European wasps are bright yellow and black in colour, not unlike the colours of the Richmond Football Club. They are common around picnic areas and barbecues; they fly swiftly, make little noise and are aggressive when threatened. According to the department, costs are incurred because the wasps are a danger to humans and animals, cause problems to many horticultural and manufacturing industries and may be a threat to native ecosystems.

**The DEPUTY SPEAKER** — Order! The honourable member must state what action he wants the minister to take.

**Mr DELAHUNTY** — I have 53 seconds to do that. On behalf of the vignerons, farmers, tourist operators and residents of the Grampians region, I request the minister to put into action a plan to seek out and destroy European wasps within the Grampians National Park and on Crown land fringes; assist community and Landcare groups to destroy wasp nests; introduce a resident and visitor education campaign; and, importantly, research the entry, spread and damage of this foreign predator in the Grampians region.

### **Police: prisoner accommodation**

**Mr TREZISE** (Geelong) — I raise for the attention of the Minister for Corrections an issue relating to the retention of prisoners in police cells prior to being moved to suitable facilities. I raise this important issue in the full knowledge that the minister inherited a prison system that had been desecrated, sold off and left for dead by the former government.

Over the past 12 months a number of families have contacted me seeking assistance for their sons who were being kept in the Geelong police cells prior to being transferred to a prison. The families were very concerned about the conditions being endured by their sons while they were being detained in police cells.

I ask the minister to ensure steps are taken to rectify the problem of prisoners being retained in police cells for lengthy periods. In recent weeks the problem at the Geelong police cells has been highlighted by magistrates and lawyers in Geelong. As I said, I have had direct dealings with a couple of families concerned about the conditions being endured by their sons who were held in the Geelong police cells. It is not acceptable that people are being held in cells for lengthy periods without natural light, without exercise

or room for exercise or without reasonable levels of privacy.

**Mr McArthur** — It sounds like Parliament!

**Mr TREZISE** — It does sound like Parliament. The detention of young people in cells is hard not just on the prisoners but also on their families. It is understandable that families are concerned about the wellbeing of their loved ones. Of course, the practical solution to this issue is to provide more beds in our prisons across Victoria.

The prison system, as I said earlier, was another disgraceful mess the Bracks government inherited from the previous government after years of neglect. But given that, I seek an assurance from the minister that the issue is being addressed; that beds are being provided or planned for the future. It is an important issue for my constituents, and I therefore seek the minister's action in addressing this issue.

### **CPR Communications and Publications**

**Mr McINTOSH** (Kew) — I raise with the Minister for Health the matter of tendering for a public relations contract following the tobacco amendments passed in this house last year. I ask the minister to release all documents relating to that contract, and to explain to this house the irregularities about this bodgie tendering process.

In about July of last year the Department of Human Services called for tenders for that contract, and eight firms tendered. By the end of August the preferred tenderer was selected and commenced work. That tenderer did about \$12 000 worth of work on the project and withdrew for some reason. It appears that the department sacked the tenderer without any explanation — or with a bodgie one. The contract was then awarded to those old Labor mates, CPR Communications and Publications Pty Ltd.

The contract was not signed until December 2000, but what is curious is that by that stage most of the work had been done by CPR and other Labor mates, such as Shannon's Way and Strahan Research. What is even more curious is that it appears that CPR commenced working on the project before the previous tenderer had withdrawn or communicated that fact to the department. Even more curious is that there was an uncommercial transaction of an up-front payment to CPR of some \$50 000.

I call upon the minister to explain those actions to the house, and to release the documents relating to this matter to demonstrate why the public of Victoria should

not draw the conclusion that this is a shonky transaction. What has the minister to hide by withholding documents? Indeed, the Honourable Bill Forwood, a member for Templestowe Province in another place, can clearly demonstrate through freedom of information that the documents were withheld.

I call upon the minister to clear the air. There is a real stench about this transaction, and it seems to me that this is just another job for CPR, Labor mates — and jobs for the boys!

### **Bendigo Senior Secondary College**

**Ms ALLAN** (Bendigo East) — I raise for the attention of the Minister for Education a matter that concerns Bendigo Senior Secondary College, which is an excellent Victorian certificate of education provider in my electorate of Bendigo East. I seek action from the minister on the sale of Bendigo Senior Secondary College's Internet service provider business.

Many honourable members know that Bendigo Senior Secondary College leads the state in the information technology (IT) education it provides to the students of Bendigo. Indeed, its reputation is being enhanced each day, and it is known internationally for its IT provision to the school. It has won a number of international awards for the level of IT education it provides, and also for the IT infrastructure that has been developed at the school. This has been the case for many years. Some years ago the college made the decision to become an IT specialist provider — a decision that has reaped rewards for many students who have passed through the school over a number of years.

We all know the importance of equipping young people with the appropriate IT skills for future careers in the IT industry, because it is the way of the future. Understanding this, Bendigo Senior Secondary College became involved, in partnership with the state government, the City of Greater Bendigo, La Trobe University and Ericsson, in a new information and communications technology (ICT) centre established by the state government. The state government has provided \$3.2 million towards this ICT centre, which will be located in the centre of Bendigo and which is another election commitment of the state government — one we were pleased to have the Treasurer announce in Bendigo only a few weeks ago.

The state government is also building on its IT commitment to schools in the Bendigo region with its allocation of more than \$2 million to schools in the Bendigo area for new computers. A significant proportion of that funding was allocated to Bendigo

Senior Secondary College, as well as to a number of other schools throughout my electorate. However, it is not just IT that the state government is funding in Bendigo Senior Secondary College.

**The DEPUTY SPEAKER** — Order! I am not clear what the honourable member wants the minister to do.

**Ms ALLAN** — I am asking the minister to take action over the sale of the Bendigo Senior Secondary College's Internet service provider. Certainly the state government has given the college a great boost in funding, one of the most significant being \$1.5 million in master planning.

In my opinion the Bendigo Senior Secondary College is the jewel in the state education crown. It was built under the Cain and Kirner governments, and it is a legacy that has been built on by this minister and this government. I seek action from the minister on the sale of the school Internet service provider.

### **Grampians Water: surcharge**

**Mr SAVAGE** (Mildura) — The matter I raise for the attention of the Minister for Environment and Conservation relates to the \$1 million surcharge paid by Grampians Water to Wimmera Mallee Water.

Grampians Water is a non-metropolitan urban water authority that provides water and waste water services to 74 Wimmera towns in north-west Victoria across 60 000 square kilometres. It has 30 000 customers.

Wimmera Mallee Water sells bulk water to five customers, of which Grampians Water is one. Grampians Water buys 8 per cent of Wimmera Mallee Water's bulk water, which costs \$2 million without the surcharge, and uses its own infrastructure to collect, pipe, test and distribute the water.

Grampians Water is classed by Wimmera Mallee Water as a retailer which theoretically retails through Wimmera Mallee Water's infrastructure. Consequently Grampians Water pays a \$1 million surcharge, which represents about 25 per cent of Wimmera Mallee Water's delivery costs, even though it buys only 8 per cent of Wimmera Mallee Water's bulk water. Wimmera Mallee Water uses the money to pay its government dividend or return on assets.

Wimmera Mallee Water could collect the water from the state government as a community service obligation (CSO) for recreation assistance, but does not because it does not want to rely on the government. It seems that Wimmera Mallee Water has been told there are not the funds to pay for the CSO.

The surcharge went up by 5 per cent last year, which represents 25 per cent of Grampians Water's operating costs. If the surcharge were not levied, Grampians Water could reduce the cost of water to its customers by 5 cents to 10 cents per litre. Over the past four years the cost of water for Grampians Water customers has risen by 29 per cent, but Wimmera Mallee Water charges have risen by only 4 per cent.

The surcharge contravenes national competition policy principles. Grampians Water obtains 70 per cent of its water from Wimmera Mallee Water, of which some comes from channels and the rest comes from the northern Mallee pipeline. The cost of the water from the pipeline is \$560 per megalitre compared to the charge of \$1 to \$2 per megalitre paid by Melbourne service providers. Imposing the surcharge on that huge expense per megalitre is unfair. Only two Victorian water authorities — Grampians Water and Western Water, which supplies the western suburbs of Melbourne — pay the surcharge. I ask for the surcharge to be reviewed.

### Wyperfeld National Park

**Mr PERTON** (Doncaster) — I raise for the attention of the Minister for Environment and Conservation the *Box-Ironbark Forests and Woodlands Investigation Final Report*, which was tabled today and on which the opposition has just had its first briefing.

The matter I raise relates to an existing park, the Wyperfeld National Park. The park, in the west of the state, has among its animals of particular interest the mallee fowl. In the words of Parks Victoria, this rare bird incubates its eggs in a large mound of earth and leaf litter. Some five weeks ago I was in the park where I visited a number of mallee fowl nests. In every case, whether the nest was active or inactive, fox and cat prints were in the vicinity. According to the *State of Our Parks* report the extent of fox infestation in the park is unknown and the impact of other pest animals, including feral bees, goats, cats, dogs and trespassing cattle, is of concern.

I ask the minister to not just determine the extent of fox and cat infestation but to give an undertaking to this house and to the community that the problem will be brought under control so that rare and endangered creatures like the mallee fowl and other fauna for which this park was established will be appropriately protected.

### Parliamentary committees: interstate visits

**Mr MILDENHALL** (Footscray) — I wish to raise a matter for the Minister for Transport in his capacity as manager of government business in the house. I ask the minister to write to his counterpart in the Northern Territory government about the rights and responsibilities of parliamentary committees. The change of government in the Northern Territory will mean many things to many people, but those of us who are members of the parliamentary Drugs and Crime Prevention Committee had a particularly negative experience last year. The Northern Territory government did not respect the rights, responsibilities or role of parliamentary committees and subjected us, particularly me in my capacity as acting chair of the committee, to some very disagreeable treatment.

Prearranged appointments were cancelled at the last moment and communications were sent around the Northern Territory government with instructions to prevent contact with our committee. That resulted in some impediments to the committee being able to carry out its responsibilities to inquire into public drunkenness and to collect certain information which it had set out to do.

Early in August last year the then Chief Minister of the Northern Territory displayed either an abject ignorance of the role and value of parliamentary committees or a prejudicial attitude to their work. I ask that the conventions that I hope exist around Australia — the courtesies of acknowledging the role of parliamentary committees and assisting and facilitating their work rather than impeding them — are reinforced. I ask the minister to write to his counterpart pointing out those courtesies and responsibilities and asking that they be acknowledged and valued with the attitude I hope the new government will take to parliamentary committees, particularly interstate committees.

### TT-Line: fast ferry service

**Mr COOPER** (Mornington) — I raise a matter for the attention of the Premier. The urgent action I seek is that he get his Minister for Environment and Conservation to do her job competently. On 8 August I was advised by TT-Line that due to the inaction and incompetence of the Minister for Environment and Conservation it would not be going ahead with its proposal to start up a fast ferry service between Tasmania and Stony Point in Western Port on 15 December.

Earlier this year TT-Line made it quite clear to the Bracks government that it would need approval by no

later than the end of May so that it would have time to construct the necessary infrastructure at Stony Point by 15 December. The Minister for Environment and Conservation dithered and fiddled around until the end of July, two months too late, before finally giving approval. By that time the Stony Point proposal was well and truly sunk.

Most of the community in Hastings and Crib Point are very disappointed at this failure by the Bracks government to support this proposal. Furthermore, this failure by the government has cost jobs and investment in the area. The fast ferry service was going to be a much-needed shot in the arm for Hastings and Crib Point, but the Bracks government has caused the proposal to fail.

The Minister for Environment and Conservation has shown on many occasions that she is an incompetent disaster, and this latest fiasco of hers should be the final straw. The Premier should sack her and see whether he can dredge up someone from his backbench who might be better. He would be struggling to find someone worse.

### **Multicultural affairs: consultancies**

**Mr HOLDING** (Springvale) — The matter I raise in the adjournment debate is for the Minister assisting the Premier on Multicultural Affairs. The action I seek from the minister is that he urgently investigate the somewhat bizarre allegations that have been made. I will quote from the *Herald Sun* of 3 August, reporting on government consultations with multicultural Victorians.

These bizarre allegations were made by none other than the opposition's acting spokesperson on multicultural affairs — I am always entertained when the honourable member for Bulleen makes contributions on multicultural affairs. I am in two minds about his role: whether it is to actually undermine the shadow Minister for Multicultural Affairs — perhaps he is one of the pretenders to the throne described in today's *Herald Sun* — or whether the shadow minister does not want to carry out certain tasks herself and so charges the honourable member for Bulleen with being the spear carrier to do her dirty work.

The allegations that the honourable member has raised concern a series of multicultural consultations carried out under the auspices of the Department of Premier and Cabinet. So far as I can understand it, the honourable member alleges that the consultations were somehow inappropriate. A *Herald Sun* article quotes the honourable member for Bulleen as having said:

Mr Bracks has spent \$300 000 to tutor him on the needs of multicultural communities, how his government should converse with them and how to sell its legislation.

There are no new policies, just consultancies that the Premier promised to cut.

The honourable member for Bulleen is criticising the government for embarking on this extensive process of consultation with multicultural Victorians. As a member of Parliament representing a multicultural community, I congratulate and applaud the government for having the foresight to engage Victorians in political debate and seek their views on complex pieces of legislation — for example, the racial and religious tolerance legislation.

I seek the minister's urgent investigation of these allegations and ask him to report to Parliament on whether the consultations were a waste of money and where the initiatives for the consultations came from. I ask him to provide Parliament with the benefit of this information and to reiterate the government's commitment to consulting with multicultural Victorians.

### **Freedom of information: responses**

**Mrs SHARDEY** (Caulfield) — I ask the Minister for Housing and Minister for Aged Care to take action to ensure that I receive appropriate and timely responses to three freedom of information (FOI) requests that I submitted on 22 June. I received letters, all written on the same day, from the senior FOI officer of the Department of Human Services informing me that he was unable to abide by the act and provide information in 45 days. It is interesting to note that I am the third person this evening to raise the issue of unsatisfactory responses to FOI requests.

The first request, strangely enough, relates to state government-owned nursing home bed licences and the state bed pool. It is extraordinary that in the very week that the Minister for Aged Care is running around slagging off at the federal government and claiming it should be allocating 5000 more beds to Victoria she refuses to give the opposition information on how many state-owned nursing home bed licences she is holding offline or in the state bed pool. This is all in the name, I suppose, of open and accountable government! She should be called the Handball Queen of Aged Care!

The next two requests relate to housing and housing figures. I have asked about waiting list numbers, numbers of property allocations, property acquisitions and so on, vacancy rates, stock numbers, movable units, public housing investment et cetera. I believe all this information would be readily available in the database

of the Office of Housing. All it requires is the press of a button, and I do not think it takes 45 days to press it. Obviously this minister does not want me to receive this information appropriately.

### **Commonwealth Bank: Canterbury**

**Mr STENSHOLT** (Burwood) — Through the Minister for Police and Emergency Services I ask the Minister for Consumer Affairs in another place to take action and consult with other state and federal ministers to agree to an appropriate code of conduct and community responsibility for our financial institutions, particularly our banks. I make this request for action because of the crisis in the community of Canterbury in my electorate as a result of the imminent closure of the Commonwealth Bank branch in Maling Road.

The Commonwealth Bank is closing three branches in the area, including the ones at Glenferrie South and Armadale, on 31 August. Honourable members who are familiar with Maling Road would know that it has an excellent and thriving shopping centre. Part of Canterbury is in my electorate, and many people have been outraged and appalled that the Commonwealth Bank should close that branch. The bank told me six months ago that it would not close the Maling Road branch. It also informed me that three months ago it told traders the same thing.

Within 2 hours of the news that the branch was to be closed I organised a petition, which attracted 3500 signatures. I met with Eric Kinsella, the state manager of the Commonwealth Bank, and asked him how the branch could be kept open. He agreed that the branch could be viable with traders and the community who bank at that branch. I asked him if he would keep it open until Christmas and carry out a marketing exercise to prove the point — but, no, the decision was made. He said the traders had been asked over the past two years whether they would change their banking. That night I asked 40 or 50 traders whether they had been approached by the bank. They all denied being approached. The branch closure will be detrimental to the elderly in our community and the local traders.

Will the minister introduce a code of conduct of social responsibility and a social charter to incorporate fee-free banking for social security recipients and no-frill bank accounts for all Australians? A charter should stipulate that local communities will be given at least six months notice of a bank closure.

**The DEPUTY SPEAKER** — Order! The honourable member for Bulleen has 30 seconds.

### **Manningham Road–Egan Drive, Bulleen: traffic control**

**Mr KOTSIRAS** (Bulleen) — I raise with the Minister for Transport the need to install traffic lights at the intersection of Manningham Road and Egan Drive at the Bulleen Plaza shopping centre in Bulleen.

According to the local council, there have already been three accidents at the intersection, and I understand the council has made an application to have traffic lights installed. I urge the minister to seriously consider the feasibility of such an installation and the council's application.

**The DEPUTY SPEAKER** — Order! The honourable member's time has expired, as has the time for raising adjournment matters.

### **Responses**

**Ms DELAHUNTY** (Minister for Education) — The honourable member for Bendigo East raised an issue about the outstanding Bendigo Senior Secondary College, which would be considered an outstanding school in any regional centre or city. It has been and continues to be a centre of excellence in the area of information and communications technology, largely under the direction of an inspirational leader, Mr Ron Lake.

The senior secondary college has extensive resources and expertise in the provision of computer-based education. It is one of the state's leaders in that area. Some years ago, as part of its philosophy of extending its offerings beyond the classroom into the community, the college established an internal Internet service for staff and students. It then agreed, since it was so successful, to extend it to the general public under a joint venture business arrangement.

Last year the school reviewed its provision of Internet services in the light of changes to government policy and to the Education Act 1958. It was determined that, as the business was not a core function of the school, it should sell its Internet service provider as a business. An arrangement has been entered into with a buyer who is interested in purchasing the business. As a result the college will receive free Internet access between 8.00 a.m. and 6.00 p.m. every day for three years — an excellent solution for the sale of the business. It has provided a win-win situation for both the college and the local community.

The local community is proud of the Bendigo Senior Secondary College and is anxious to see it remain a leader of education in the state, as it is and will continue

to be, and is keen to enjoy the expertise that has been fostered through the joint venture. The purchaser has acquired the infrastructure and the capacity to provide local Internet service provider services to the Bendigo community. The college has been compensated for its earlier efforts. The sale is expected to be finalised shortly.

I thank the honourable member for Bendigo East for raising this matter. It shows she knows her schools well, and that she is interested also in sharing the expertise that is now in our schools with the community more broadly.

**Mr BATCHELOR** (Minister for Transport) — The honourable member for Bulleen asked me to follow up a black spot nomination for traffic lights on Manningham Road, and I will ask my department to look at that. Individual nominations may be made by an individual or a community group to Vicroads, which seeks an assessment by the local council. Once the local council's assessment has come in, the Vicroads and local council reports go to an advisory committee, which makes recommendations to me. Through that process decisions are taken to fund black spots, make alternative suggestions, or in some cases to rule that nominations are ineligible. That will be the process followed on this occasion, as it is on other occasions. I will advise the honourable member for Bulleen of the ultimate outcome.

However, I remind honourable members that they can follow the progress of nominations through the Vicroads web site. Individual nominations are assigned a reference number, and that information can be found on the Web.

The honourable member for Footscray raised a matter with me in my capacity as Leader of the House, managing government business. He asked me to write to my counterpart in the new Darwin Parliament to protect the rights of parliamentary committees following the experience of the all-party Drugs and Crime Prevention Committee of this Parliament, which was given some rough treatment during a trip to Darwin. I will undertake to do that. Clearly the committee's experience was such that there needs to be some sort of intervention.

I advise the honourable member that the Speaker has written to the outgoing Speaker of the Darwin Parliament, who according to the advice I have was aghast at the contemptuous way the Victorian parliamentary delegation was treated and indicated that it should not have happened, and has apologised. The difficulty, of course, is that it is more than likely the

Speaker may well not be in the Parliament now. I do not know what the circumstances are following the recent elections.

The former Chief Minister of the Northern Territory had great contempt for due process, and was recently charged with contempt of court, convicted and, I think, fined \$10 000, or something of that order. So it is not surprising, given the nature of the Chief Minister, that the Parliament that he administered should have dealt with our parliamentary representatives in that clearly contemptuous way.

The rights and responsibilities of our parliamentary committees in Victoria should have been respected, and we will make sure our views are known to the incoming government. I am confident that its members will honour the rights and responsibilities of parliamentary committees and live up to the assurances that have already been given to the Speaker on this matter.

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Hawthorn raised a matter in relation to the release of information about private provider traineeship numbers. He indicated that he has previously put in a freedom of information request in relation to this. The honourable member for Hawthorn might be a little bit mistaken in believing this government operates in the same way as the previous government operated in relation to FOI, in that the previous government definitely interfered politically with the release of FOI requests. The Bracks government does not operate in that way. As the honourable member for Hawthorn would know, this government has made significant changes to FOI legislation so that now it is freedom of information rather than freedom from information, as it was under the previous government.

To demonstrate this government's transparency I point out that the previous Premier put in an FOI request and received the information immediately. Under his previous government, with the type of request he made, he would not have been supplied with the information. Openness and transparency have been improved — —

**The DEPUTY SPEAKER** — Order! The honourable member for Bulleen knows the rules on communicating with the gallery. I ask him to desist.

**Ms KOSKY** — In relation to freedom of information, the honourable member for Hawthorn has indicated that he has put in an FOI request. As he knows, under the legislation the FOI officer in the

department deals with that request. If he has a concern about the response he has got, then he needs to take it up through the avenues in the FOI legislation.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — The honourable member for Springvale raised a matter relating in effect to the honourable member for Bulleen and comments the honourable member made to the *Herald Sun* on 3 August. As can be seen by the presence of a gaggle of people up there in the back corner, it seems to be a regular pattern and there is no doubt that the honourable member for Bulleen is the frontman for the shadow minister's dirty work. The reality is that in criticising what the government does in working with ethnic communities and what consultancies there are a fine balance has to be struck between proper administration and saying that ethnic communities do not deserve the same level of services as other communities. When other people read these sorts of stories it is not unreasonable that they might say that the government is wasting money on such communities.

The honourable member for Bulleen raised the matter of a consultancy order by the Department of Premier and Cabinet for a total of \$103 986 contracting the Fitzroy company ID Consulting. It is important to note that this is about the community profile series, which is a set of publications that present comprehensive information about the demographic, geographic and socioeconomic characteristics of over 20 new and emerging communities and of larger established communities in Victoria. The series is based on data gathered from the 1996 census with text written by experts on each community. This government supports a community profile series because it believes it supports government policy that is targeted towards providing better services and growing the whole of Victoria. It is trying to provide a framework for an in-depth understanding of community needs to facilitate policy development and planning and to promote community relations.

As the honourable member for Springvale said, I find it astonishing that when the opposition criticises the government for consulting them, what it is really saying is that ethnic communities deserve a lesser and different process from other communities. This government is about consulting, and it does not hide that. That is what the Victorian Multicultural Commission does, and that is what so many other government agencies should be doing — talking and listening to communities. There are processes that must be gone through.

The article in the *Herald Sun* asked why the government did not use the staff of the Victorian Office

of Multicultural Affairs. The reality is that there are more staff in that office than there were under the previous government, but they are working on service delivery outcomes.

The honourable member for Bulleen is quoted in the article as saying:

Mr Bracks has spent \$300 000 to tutor him on the needs of multicultural communities, how his government should converse with them and how to sell its legislation.

That is interesting, because I have some advice from the Department of Premier and Cabinet that is quite outstanding. It appears that the information for the article has been obtained from the Victorian government contracts web site based on an entry made — wait for this — in 1998.

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — I am advised that, as the honourable member said in the article, the contract had not gone to public tender because it was considered impractical. I am advised that proper procedures were followed in awarding this contract during the term of the previous government. A public tender process for the production of the Victorian community profile series commenced in August 1998. A request for tender advertisement appeared in the *Age* and the *Australian* on Saturday, 15 August 1998, and was posted on the Internet on the Victorian Government Purchasing Board site.

The shadow minister asked why the government does not change the web site. It was 1998. The previous government put it on the web site. It is complaining about its tender and complaining that this government is consulting communities. The government is saying it supports that use of money for the community profile series. It thinks it is a good use of money.

The opposition should be careful in its endeavour to criticise the government because the opposition has gone out to consultancies. The government has also, and will continue to do so because it wants to make sure that it includes ethnic communities.

A greater level of hypocrisy is revealed when you ask: who was the multicultural adviser to the Premier and the then Minister Assisting the Premier on Multicultural Affairs? In 1998 it was the present honourable member for Bulleen. Either he cannot remember what his job was when he was an adviser or he is prepared to play political games with ethnic communities. The bottom line is that while the opposition tries to use the honourable member for Bulleen to do its dirty work in

multicultural affairs, the reality is that his credibility is now shattered. Ethnic communities should not believe the press release of the honourable member for Bulleen because he has been caught out by the work his own government started.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Geelong raised a matter which I think arises from an article that appeared in the *Geelong Advertiser* recently, dealing with the level of prisoners in police cells in the Geelong area. I share his concern, the concern of the magistrates who raised it and the concern of the community.

As the honourable member for Geelong quite correctly said, the government inherited a prison system that was heavily overcrowded. When the Labor Party came to office the prison system was running at in the vicinity of 110–112 per cent of capacity. The government that handed over that prison system inherited a prison system in 1992 that was running at about 85 per cent of capacity. So over a period of seven years the previous government allowed the number of people within the prison system to increase by over 33 per cent. There were more than 1000 additional prisoners net in the prison system over that period of time, yet the number of additional beds the former government actually provided was little more than 100. It is little wonder the prison system became heavily overcrowded.

Upon coming to office the government began to address those issues as a matter of priority. The government provided for 357 additional prison beds in last year's budget. That included 275 beds in new units at the Barwon and Loddon prisons, which will come online in the first half of next year, as well as an additional unit at the Fulham Correctional Centre and some additional accommodation at Port Phillip Prison. In addition the government is about to commence construction of a new 50-bed unit at the women's prison.

Last Sunday I inspected a new 54-bed modular unit at the women's prison. This unit was constructed by a local company in Bendigo. It is state-of-the-art accommodation and I expect it will be commissioned over the next few days. That will enable the government to reduce the number of corrections prisoners occupying police cells. This is the first of the six modular units to be constructed.

As part of a long-term review of the prison system, in this year's budget the government provided for the construction of additional prisons, which will mean a net increase of 716 beds on top of the 357 beds

provided in last year's budget, and another 300 beds are being provided with the new state-of-the-art relocatables.

The government is taking a long-term view of the issue. It wants to ensure that not only is it addressing the short-term overcrowding of the prison system but also that it is providing additional beds so the state does not face these problems in the long term. As minister I certainly do not want to hand over to my successor the sorts of problems that I inherited from my predecessor. What the government is putting in place will ensure not only that this overcrowding in the prison system is dealt with but that it does not recur.

We need to look at the prisoners who are in the system at the moment, and the government is trying to manage that problem on a daily basis. A risk assessment is undertaken daily of all the prisoners in police cells, and those who are identified as being at risk are moved into the prison system as a priority so we do not have self-harm and suicide taking place in police cells. It is an unacceptable situation, but it is one this government inherited. The government is addressing the situation as a matter of high priority, but it takes time to construct additional prison units and new prisons. In the meantime the government must handle the situation as best it can.

The honourable member for Geelong can rest assured that the problem is being addressed, but it is not something that can be resolved overnight. I commend the honourable member for at least caring about the problem, which is a lot more than I can say for members opposite, who did not seem to care about the rapidly overcrowding prison system when they occupied the government benches.

The honourable member for Burwood raised the issue of the Commonwealth Bank closure in Canterbury for me to bring to the attention of the Minister for Consumer Affairs in another place. He identified this as one of three bank closures in the Burwood area. I commend the honourable member for Burwood for taking this issue on. He is a great representative of his electorate, but unfortunately some of his neighbours, such as the honourable members for Kew and Hawthorn, do not seem to have any interest in bank closures in the area. I cannot identify any comments they have made on this issue.

The banks behave in a very arrogant and offhand manner. The Commonwealth Bank in particular has been treating people with absolute contempt, the sort of arrogance and contempt with which the previous

government used to treat people. I will raise the issue with the Minister for Consumer Affairs.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! There is too much interjection.

**Mr HAERMEYER** — The honourable member for Monbulk seems intent on defending the Commonwealth Bank. I am not sure a lot of Victorians would join him in that exercise.

**Mr McArthur** — On a point of order, Madam Deputy Speaker, I was not defending the Commonwealth Bank. I simply said that former Premier Joan Kirner was so enamoured of the bank that she gave it State Bank Victoria.

**The DEPUTY SPEAKER** — Order! There is no point of order.

**Mr HAERMEYER** — As I say, I certainly share the concern. I will draw that matter to the attention of the Minister for Consumer Affairs on behalf of the honourable member for Burwood.

**Mr HULLS** (Attorney-General) — The honourable member for Mornington raised an issue for the Premier about the TT-Line fast ferry service from Tasmania to Stony Point. I will raise that matter with the Premier. The honourable member made some gratuitous comments about the Minister for Environment and Conservation. It was nothing more than an attempt to score political points. The comments come from a former Minister for Transport who was considered a joke in that portfolio, not just by us when we were in opposition, but also by the Victorian public generally.

*Honourable members interjecting.*

**Mr HULLS** — That is the reality. So I am sure that those comments will be given the disdain they deserve by the Premier.

The honourable member for Caulfield raised an issue for the Minister for Aged Care, who is also the Minister for Housing, about responses to freedom of information (FOI), and I will refer that matter to the minister. I simply repeat comments that have been made by the Minister for Finance that this government has turned freedom from information, under the Kennett government, to freedom of information under this government.

*Honourable members interjecting.*

**Mr HULLS** — As to the crocodile tears that now come from the opposition, if only it had put in an FOI request, digging out all the information that was hidden from us when we were in opposition, when we put in our FOI requests, I am quite sure we would be more than happy to hand over those documents. No-one takes those crocodile tears seriously.

The honourable member for Wimmera raised an issue for the Minister for Environment and Conservation. He has advised me that he has already raised the matter personally with her. I understand it concerns the European wasp, which is a very important issue. He will not be stung on this issue, and he indeed will get a response from the minister.

The honourable member for Mildura raised an issue for the Minister for Environment and Conservation about a \$1 million surcharge paid by Grampians Water to Wimmera Mallee Water. He raised the issue as to whether that surcharge was in breach of natural competition policy principles and whether that surcharge should be reviewed. I will refer that matter to the minister.

The honourable member for Doncaster also raised an issue — I am only smiling because he raised an issue with the Minister for Environment and Conservation — about a report on box-ironbark forests. He said he had recently visited the Wyperfeld National Park and came across a mallee fowl nest. He also found some fox and other feral animal prints. I have to say it conjures up some extraordinary pictures in one's mind of the honourable member for Doncaster in his khaki shorts, with his binoculars or magnifying glass, a butterfly net in one hand and who knows what in the other, looking around mallee fowl nests and searching for fox and other feral animal prints.

He deserves a fox stamp for raising the issue. I know it is a serious issue, but it does conjure up some frightening pictures in the minds of honourable members on both sides of the house — particularly the image of those khaki shorts on the honourable member for Doncaster! I will indeed refer the matter to the minister.

**Mr McIntosh** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Kew!

**Mr HULLS** — I must say that conjuring up those pictures has spoilt my weekend!

The honourable member for Kew raised an issue about a public relations contract and the tendering process,

and I will refer that matter to the minister. Again, what a cheek for members opposite to have the audacity to raise any issues about tendering processes, given that the secrecy and the dirty, stinking, rotten deals with mates that were entered into by the Kennett government actually led to its ultimate downfall! The honourable member should not come into this place and in such a hypocritical manner raise any issue about tendering processes and contracts, and in particular an issue which he says involved a contract with the people at CPR Communications and Publications Pty Ltd, whom he described as Labor mates. The fact is that CPR undertook a number of contracts for the former Kennett government — that is the reality!

To come into this place and raise issues about contracts with CPR and refer to the people there as Labor mates is an absolute joke and gross hypocrisy. I am sure that matter will be dealt with with the contempt it deserves. They are all the matters that have been raised.

**Motion agreed to.**

**House adjourned 5.02 p.m. until Tuesday, 18 September.**



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown. Questions have been incorporated from the notice paper of the Legislative Assembly. Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers. The portfolio of the minister answering the question on notice starts each heading.*

**Thursday, 16 August 2001**

**Corrections: prison expenditure**

**280. MR WELLS** — To ask the Honourable the Minister for Corrections with reference to — (a) HM Prison Ararat; (b) HM Prison Barwon; (c) HM Prison Beechworth; (d) HM Prison Bendigo; (e) HM Prison Dhurringile; (f) HM Prison Langi Kal Kal; (g) HM Prison Loddon; (h) HM Melbourne Assessment Prison; (i) HM Prison Tarrengower; (j) HM Prison Won Wron; (k) Fulham Correctional Centre; (l) Metropolitan Women's Correctional Centre; (m) Port Phillip Prison —

1. What was the annual average cost of keeping a prisoner for the years ended — (i) 30 June 1999; and (ii) 30 June 2000.
2. What was the budgeted annual average cost of keeping a prisoner for the years ended — (i) 30 June 1999; and (ii) 30 June 2000.
3. What is the budgeted annual average cost of keeping a prisoner for the year ended 30 June 2001.
4. How many prisoners were actually held at — (i) 30 June 1999; (ii) 31 December 1999; (iii) 30 June 2000; and (iv) 31 December 2000.
5. What was the design capacity of each prison as at — (i) 30 June 1999; (ii) 31 December 1999; (iii) 30 June 2000; and (iv) 31 December 2000.
6. What was the operational cost of running each prison for the years ended — (i) 30 June 1999; and (ii) 30 June 2000.
7. How many — full time; part time; casual; and full time equivalent staff were employed at each prison as at — (i) 30 June 1999; (ii) 31 December 1999; (iii) 30 June 2000; and (iv) 31 December 2000.
8. What was the average staff/prisoner ratio for each prison as at — (i) 30 June 1999; (ii) 31 December 1999; (iii) 30 June 2000; and (iv) 31 December 2000.

**ANSWER:**

I am advised that:

1. An all inclusive average cost of keeping a prisoner for the year ended 30 June 1999 was \$58,420. This includes depreciation for capital infrastructure and expenditure by other departments (e.g. education & training). The average cost per prisoner for the year ended 30 June 2000 was \$58,918.
2. The budgeted annual average cost of keeping a prisoner for the years ended 30 June 1999 and 30 June 2000 was \$59,000.
3. The budgeted annual average cost of keeping a prisoner for the year ending 30 June 2001 is \$59,000.
4. & 5. This information is provided in the Office of the Correctional Services Commissioner publication, The Victorian Prison System Statistical Profile 1995/1996 – 1999/2000.
6. See table 2 below.

**Table 2. Direct Prison Operational Costs (\$ '000)**

<b>Prison</b>	<b>1998/1999</b>	<b>1999/2000</b>
Ararat	*	9,345
Barwon	*	15,391
Beechworth	*	4,281
Bendigo	*	3,000
Dhurringile	*	4,103
Fulham	25,455	26,490
Langi Kal Kal	*	3,465
Loddon	*	11,397
MAP	*	15,094
MWCC	9,533	10,583
Port Phillip	30,099	34,772
Tarengower	*	1,580
Won Wron	*	3,772

\*Breakdown of costs for CORE prisons not available

7. & 8. Staffing information is readily available only for prisons operated by CORE – the Public Correctional Enterprise.

In relation to prisons operated by CORE, the information sought in parts (7) and (8) is set out in table 3 below:

**Table 3. Staffing Category Breakdown, CORE prisons, including staff/prisoner ratio.**

Prison	30 June 1999						31 December 1999						30 June 2000						31 December 2000					
	Full Time	Part Time	Cas	Total	F T E	Staff Pris Ratio	Full Time	Part Time	Cas	Total	F T E	Staff Pris Ratio	Full Time	Part Time	Cas	Total	F T E	Staff Pris Ratio	Full Time	Part Time	Cas	Total	F T E	Staff Pris Ratio
Ararat	107	0	19	126	111	.43	104	0	22	126	109	.39	103	0	34	137	114	.41	105	2	36	143	114	.39
Barwon	128	0	54	182	156	.59	123	0	69	192	166	.57	121	0	63	184	180	.63	136	2	43	181	156	.5
Beechworth	47	0	14	61	51	.44	47	0	22	69	59	.5	50	0	7	57	52	.4	48	0	6	54	49	.37
Bendigo	35	0	5	40	35	.48	35	1	4	40	37	.47	37	0	4	41	37	.47	48	0	6	54	49	.63
Dhurringile	40	0	23	63	41	.35	39	0	23	62	42	.36	40	0	3	43	43	.36	44	0	10	54	46	.38
DPFC (MWCC)																			110	1	7	118	116	.7
Langi Kal Kal	34	0	19	53	34	.36	35	0	19	54	36	.49	34	0	25	59	35	.38	32	1	19	52	33	.3
Loddon	112	0	14	126	126	.48	107	1	27	135	123	.42	115	1	31	147	131	.43	122	2	26	150	139	.45
MAP	157	1	24	182	180	.59	151	1	32	184	175	.6	156	1	23	180	171	.6	159	3	11	173	172	.59
Tarngower	14	1	3	18	18	.5	15	0	3	18	18	.5	15	0	2	17	16	.47	17	0	2	19	18	.37
Won Wron	35	0	2	37	36	.35	34	0	2	36	35	.35	34	0	1	35	34	.27	36	0	2	38	37	.3

**Note:**

1. DPFC is Dame Phyllis Frost Centre, formerly known as MWCC came under CORE management during December 2000 quarter
2. Staff /Prisoner Ratio has been calculated by dividing the FTE by the average number of prisoners for that location during the period
3. The FTE has been rounded to the nearest whole number

**Education: Lara secondary school**

**296. MR PATERSON** — To ask the Honourable the Minister for Education with reference to the proposed Lara secondary school — (a) what are the enrolment forecasts for each of the next ten years; and (b) how do these figures compare with departmental forecasts for a secondary school at Torquay.

**ANSWER:**

I am informed as follows:

In Labor's Financial Statement the Bracks Government committed itself to building a new school at Lara to meet the needs of the community. Enrolments are expected to grow in the Lara community over the next ten years.

The Department is investigating the needs for provision of a secondary college in the Torquay area in the context of the overall availability for secondary provision.

**Premier: Bayside gaming revenue**

**308. MR THOMPSON** — To ask the Honourable the Premier with reference to the suburbs of Hampton, Highett, Sandringham, Beaumaris and Mentone — (a) what has been the tax revenue gained by the Government through electronic gaming in 2000 for each suburb; and (b) what funds have been provided by the Community Support Fund in 2000 for each suburb.

**ANSWER:**

I am informed that:

(a) The secrecy provisions in section 139 of the Gaming Machine Control Act 1991 limit the information that I can provide about the tax revenue gained by the Government through electronic gaming in individual suburbs. I would be contravening these provisions if I were to divulge the information requested, as it would be possible to calculate details of the commercial affairs of individual venues.

However, I can report a consolidated figure of the total State duty, including contributions to the Community Support Fund. Under the secrecy provisions of the Act, I am unable to provide a separate figure for Community Support Fund contributions, as there are only two hotels with gaming machines in the five suburbs named. To provide information on the CSF contributions in this instance would provide the basis for each hotel to estimate the gaming revenue of the other.

Total State duty, including Community Support Fund contributions gained by the Government through electronic gaming in all five suburbs for the period 1 January 2000 to 31 December 2000 was \$3,813,788.

(b) Funds from the Community Support Fund can be allocated to programs specific to particular local communities, or to programs of statewide benefit.

In 2000, \$181.4 million of CSF funds were committed to projects of statewide benefit. This represented 88.4 per cent of total commitments of the CSF in 2000.

The Government did not receive any applications for funding of projects specific to these suburbs.

**Transport: Eastern Freeway extension**

**319. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of any plans to link the Eastern Freeway extension to Ringwood with the Maroondah Highway in Ringwood.

**ANSWER:**

The project as announced on 13 October 2000, has a direct connection to the Ringwood Bypass at Ringwood Street, which in turn connects to the Maroondah Highway east of the Ringwood shopping precinct. There is no direct connection to the Maroondah Highway west of Ringwood. However, the Bracks Government is committed to the development of the Scoresby Freeway, which will provide a direct connection to the Eastern Freeway extension and the Maroondah Highway west of Ringwood.

**Transport: Beach Road traffic volume**

**333. MR THOMPSON** — To ask the Honourable the Minister for Transport with reference to traffic counts recording the volume of traffic on Beach Road — (a) what are the dates, over the last 10 years, of traffic counts; (b) what are the headings or classifications under which statistics are recorded; and (c) what are the detailed results of traffic flows recorded.

**ANSWER:**

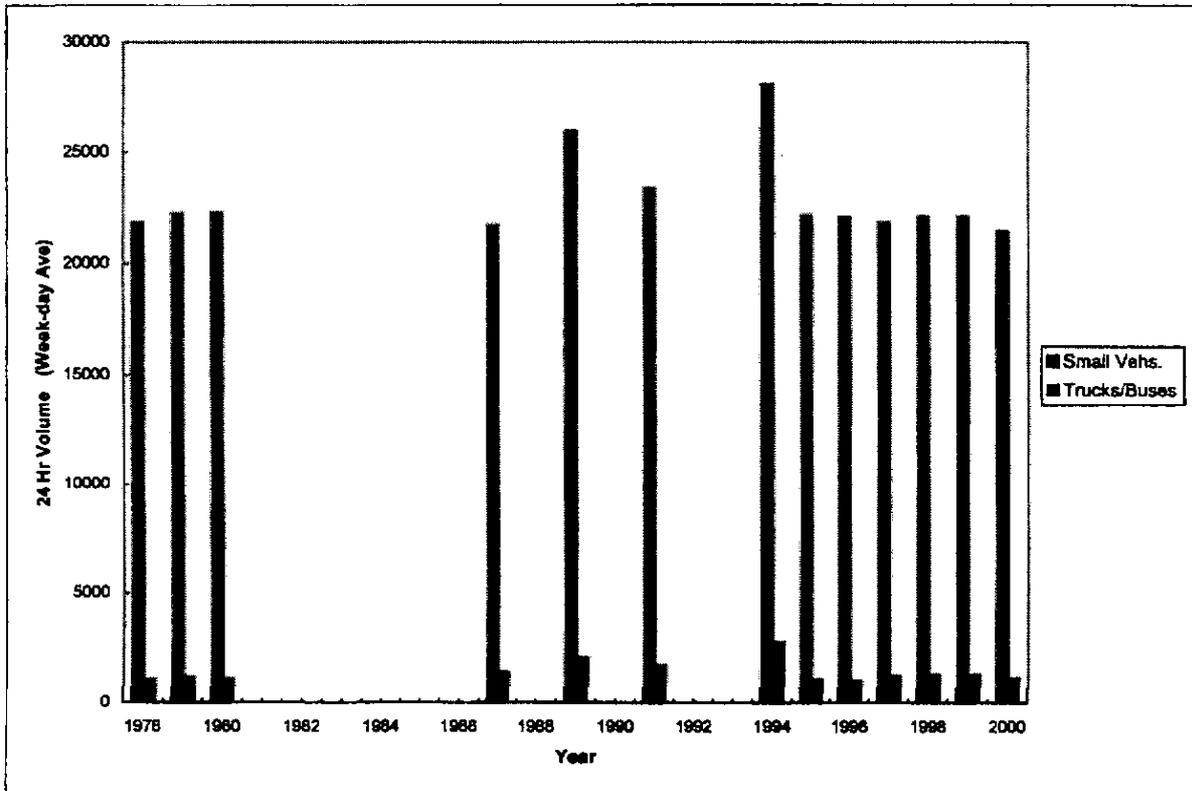
Vicroads has carried out periodic traffic counts at a number of locations along Beach Road since 1978.

Attached is a listing of the traffic counts conducted over the last ten years on Beach Road between South Road, Brighton and Nepean Highway, Mordialloc. A description of the classifications included in these counts is provided at the end of the listing. Also attached is a graph showing the distribution of small vehicle and truck/bus volumes on Beach Road near New Street, Sandringham from 1978 to 2000.

**Beach Road near New Street, Sandringham**

Traffic Volumes (24 Hrs)  
(Week- Day Ave)

Year	Small Vehs. (Exc. Trucks/Buses)	Trucks/Buses	Total Vehs
1978	21860	1095	22955
1979	22248	1198	23446
1980	22294	1115	23409
1981			0
1982			
1983			
1984			
1985			
1986			
1987	21741	1411	23152
1988			
1989	25985	2068	28053
1990			
1991	23407	1725	25132
1992			0
1993			
1994	28087	2749	30836
1995	22169	1095	23264
1996	22121	1036	23157
1997	21861	1271	23132
1998	22138	1309	23447
1999	22138	1309	23447
2000	21457	1145	22602



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SRC	RRP	STATS	N.	SCRAM	DATE	YEAR	DAYS	LOCATION	TYPE					
MC 1	38075	6087	9	N.A.	5	16Aug	1995	0	1	BEACH RD	NBD	NW	OF	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	10Mar	1993	0	3	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	18May	1992	0	5	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	15Dec	1996	0	3	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	10Mar	1993	0	3	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	25Oct	1997	0	15	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	25Oct	1997	0	13	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	15Sep	1991	0	3	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 2	38075	1168	130	N.A.	5	15Dec	1996	0	6	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	16Oct	1999	0	9	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	16Oct	1999	0	9	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
MC 2	38105	6087	10	N.A.	1	27Jun	1996	0	1	BEACH RD	SEB	NW	OF	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	13Oct	2000	0	9	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
MC 1	38075	6087	9	N.A.	5	27Jun	1996	0	1	BEACH RD	NBD	NW	OF	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	31Oct	1998	0	9	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 2	38075	1168	130	N.A.	5	25Oct	1997	0	15	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	18May	1992	0	5	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 2	38075	1168	130	N.A.	5	16Oct	1999	0	9	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	15Dec	1996	0	8	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
MC 2	38075	6087	9	N.A.	5	27Jun	1996	0	1	BEACH RD	NBD	NW	OF	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	25May	1994	0	5	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
SC 2	38075	1168	130	N.A.	5	18May	1992	0	5	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
MC 2	38075	6087	9	N.A.	5	16Aug	1995	0	1	BEACH RD	NBD	NW	OF	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	25Oct	1997	0	13	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	31Oct	1998	0	1	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
MC 2	38105	6087	10	N.A.	1	16Aug	1995	0	1	BEACH RD	SEB	NW	OF	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	31Oct	1998	0	9	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	15Dec	1996	0	9	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 2	38105	1168	131	N.A.	1	13Oct	2000	0	9	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	16Oct	1999	0	9	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST
SC 1	38075	1168	130	N.A.	5	15Sep	1991	0	7	BEACH RD	NB	BTW	NEW ST &	ORLANDO ST
MC 1	38105	6087	10	N.A.	1	16Aug	1995	0	1	BEACH RD	SEB	NW	OF	ORLANDO ST
MC 1	38105	6087	10	N.A.	1	27Jun	1996	0	1	BEACH RD	SEB	NW	OF	ORLANDO ST
SC 1	38105	1168	131	N.A.	1	15Sep	1991	0	7	BEACH RD	SB	BTW	NEW ST &	ORLANDO ST

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SC 2	38075	1168	130	N.A.	5	31Oct	1998	0	9	BEACH RD NB	BTW	NEM ST & ORLANDO ST	58	600	660		
SC 1	38075	1168	130	N.A.	5	13Oct	2000	0	9	BEACH RD NB	BTW	NEM ST & ORLANDO ST	1872	610	9318	12089	Y
SC 1	38105	1168	131	N.A.	1	25May	1994	0	5	BEACH RD SB	BTW	NEM ST & ORLANDO ST	712	1826	10081	12520	Y
SC 2	38075	1168	130	N.A.	5	13Oct	2000	0	9	BEACH RD NB	BTW	NEM ST & ORLANDO ST	60	48	512	561	Y
SC 1	41101	1167	129	N.A.	1	04May	1997	0	3	BEACH RD SB	BTW	GORDON CR & SYLVIA CR	462	1318	7704	9455	Y
SC 2	41101	1167	129	N.A.	1	04May	1997	0	3	BEACH RD SB	BTW	GORDON CR & SYLVIA CR	47	49	441	477	Y
SC 1	41099	1167	128	N.A.	5	04May	1997	0	3	BEACH RD NB	BTW	GORDON CR & SYLVIA CR	1642	435	6895	8419	Y
SC 2	41131	1126	46	N.A.	5	04May	1997	0	3	BEACH RD NB	BTW	FOURTH ST & CENTRAL AV	44	29	301	353	Y
SC 2	41160	1126	47	N.A.	1	04May	1997	0	3	BEACH RD SB	BTW	FOURTH ST & CENTRAL AV	40	43	358	389	Y
SC 1	41131	1126	46	N.A.	5	04May	1997	0	3	BEACH RD NB	BTW	FOURTH ST & CENTRAL AV	1187	315	5195	6380	Y
SC 1	41160	1126	47	N.A.	1	04May	1997	0	3	BEACH RD SB	BTW	FOURTH ST & CENTRAL AV	367	1071	5918	7100	Y
AC 1	41230	9081	2	N.A.	8	17Oct	1999	0	3	BEACH RD SEBD	S	OF HAYDENS RD	504	1041	6855	8149	Y
AC 1	41187	9081	1	N.A.	4	17Oct	1999	0	3	BEACH RD NWBD	S	OF HAYDENS RD	1114	420	6147	7512	Y
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SC 1	41446	1287	544	N.A.	6	11Feb	1992	0	2	BEACH RD EB	BTW	CHARMAN RD & BONANZA RD	611	1119	6666	8120	Y
SC 2	41446	1287	544	N.A.	6	11Feb	1992	0	2	BEACH RD EB	BTW	CHARMAN RD & BONANZA RD	50	57	489	540	Y
SC 1	41446	1288	546	N.A.	3	11Feb	1992	0	2	BEACH RD WB	BTW	MUNDY ST & PLUMMER RD	1134	442	5868	7221	Y
SC 2	41446	1288	546	N.A.	3	11Feb	1992	0	2	BEACH RD WB	BTW	MUNDY ST & PLUMMER RD	118	44	594	662	Y
AC 1	41625	8809	1	N.A.	8	22Oct	1995	0	6	BEACH RD SEBD	NW	OF MARRIGAL RD	1246	432	6508	8014	Y
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SC 2	41769	10058	1126	N.A.	5	06May	1992	1	2	BEACH RD NB	BTW	MCINDOE PDE & REMNISON ST	63	39	412	464	Y
SC 1	41769	10058	1126	N.A.	5	06May	1992	1	2	BEACH RD NB	BTW	MCINDOE PDE & REMNISON ST	1238	343	5233	6375	Y
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SC 1	41836	10058	1127	N.A.	1	06May	1992	1	2	BEACH RD SB	BTW	MCINDOE PDE & REMNISON ST	481	1021	5825	7029	Y
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SC 2	41769	1166	126	N.A.	5	07Jun	1996	0	1	BEACH RD NB	BTW	MCINDOE PDE & REMNISON ST	44	29	312	351	Y
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SC 1	41836	1166	127	N.A.	1	08May	1995	0	4	BEACH RD SB	BTW	MCINDOE PDE & REMNISON ST	35	41	351	383	Y
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SC 2	41769	1166	126	N.A.	5	15Oct	1999	0	6	BEACH RD NB	BTW	MCINDOE	PDE &	RENNISON	ST	249				
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SC 1	41769	1166	127	N.A.	1	16Sep	1994	0	11	BEACH RD SB	BTW	MCINDOE	PDE &	RENNISON	ST	7283				
SC 2	41836	1166	127	N.A.	1	16Sep	1994	0	11	BEACH RD SB	BTW	MCINDOE	PDE &	RENNISON	ST	7757				
SC 2	41836	1166	127	N.A.	1	16Sep	1994	0	11	BEACH RD SB	BTW	MCINDOE	PDE &	RENNISON	ST	517				
SC 2	41769	1166	126	N.A.	5	27Nov	1991	0	3	BEACH RD NB	BTW	MCINDOE	PDE &	RENNISON	ST	416				
SC 1	41836	1166	127	N.A.	1	19May	1992	0	4	BEACH RD SB	BTW	MCINDOE	PDE &	RENNISON	ST	7663				

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11-Apr-2001  Y2K  VOLUME SUMMARY RPT
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TRAFFIC STATISTICS - Volume Summaries

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 | LEGEND FOR VOLUME SUMMARY REPORTS |  
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ITM	RRP	STATS	LOC	APPR	DATE	YEAR	DAYS	LOCATION	TYPE	VAL	MELWAY	AMPK	PMPK	12HR	24HR
SRC			N. SCRAM												
SA 1	33590	472	1	3024	13Aug	1991	1	3 ST. KILDA ST N of NORTH RD	N	067D07	967	1435	9156	12450	
SA 1	33590	472	3	3024	10Jul	1988	1	1 NORTH RD E of ST. KILDA ST	Y	067D07	420	262	3702	4689	

SRC: Source of Data

- TD 24 hour turning movement (approach)
- TM 12 hour turning movement (approach)
- TP Peak hour turning movement (approach)
- TH 24 hour departure turning movement
- TG 12 hour departure turning movement
- TL Peak hour departure turning movement
- SA SCRAM volumes
- AC Automatic axle counts
- SC Speed/Length Classification
- MC Manual classification data 24HR
- MT Manual classification data 12HR
- MP Manual classification data PEAKS
- MO Manual classification data OFFPEAK

APPR: Direction Vehicles are Approaching From

- 1 North
- 2 N-East
- 3 East
- 4 S-East
- 5 South
- 6 S-West
- 7 West
- 8 N-West

TYPE: Movements Reported and Carriageway Type

- 0/1 All Movements
- 2 Left Missing
- 3 Through Missing
- 4 Right Missing
- 5 Left & Right Missing
- 6 Left & Thru Missing
- 7 Right & Thru Missing
- 10 On Ramp
- 11 OffRamp
- 12 Ramp (other)
- 20 Central Carriageway
- 21 Service Carriageway
- 22 Incomplete Thru Movement

LOCATION: Approach Description

VAL: Validation Status  
 Y Data Checked  
 N Raw Data

MELWAY: Map Reference

AMPK: A.M. Peak Hour  
 P.M. Peak Hour  
 12HR: 7 a.m. to 7 p.m.  
 24HR: midnight to midnight

NB Median midweek Tue,Wed,Thu non-holiday traffic volumes

ITM: Type of Vehicle

- 1 All Vehicles
- 2 Trucks

YEAR: Year of summary

RRP: Road Reference Point  
 STATS: Traffic Survey Number  
 LOC N: Location Number  
 SCRAM: SCRAM Site

NB Reference numbers which can be used when querying detailed data

DAYS: Number of Days used to Compute Summary

**Police and Emergency Services: Sandringham police station**

**336. MR THOMPSON** — To ask the Honourable the Minister for Police and Emergency Services with reference to the Sandringham Police Station which is located in rented premises in Railway Terrace, Hampton —

1. What is the duration of the present lease.
2. What options are there to renew the lease.
3. What is the current annual rent.
4. What plans does the Department have in relation to the establishment of a permanent police station site in the Sandringham area under a local priority policing program.

**ANSWER:**

Until the early 1990s, the Sandringham Police Station operated from a site at 25–29 Abbott Street, Sandringham.

The police station was closed in October 1992 due to the facility being beyond repair and, therefore, unsuitable for the delivery of police services. The police station was relocated to a leased property at 11 Railway Crescent, Hampton, approximately 1 kilometre away and the old facility was subsequently demolished. Whilst located just within Hampton, the police station provides the same policing service to Sandringham as before. The current term of the lease is 3 years to the end of November 2003 with an option to extend the lease for a further three years. The annual rental is \$52,000.00, with annual reviews.

Victoria Police advise that the future of the site will be determined in the context of a decision on the future policing requirements for the City of Bayside which contains police stations also at Moorabbin, Brighton and Cheltenham. A study is to be carried out to identify the most appropriate location of policing facilities to best serve the local community.

Consistent with local priority policing, Victoria Police continually monitors the needs of the community and allocates resources accordingly. By way of example, the Victoria Police has targeted the Sandringham railway station and foreshore areas with mobile and foot patrols in response to concerns regarding antisocial behaviour in these areas.

**Police and Emergency Services: Sandringham police and court complex**

**337. MR THOMPSON** — To ask the Honourable the Minister for Police and Emergency Services with reference to the land in Abbott Street, Sandringham, incorporating the Police Station site and Court House, and the additional land transferred by the former City of Sandringham to the Government in the mid 1980s for the purpose of facilitating the development of a new police and court complex —

1. What plans does the Department have for the land.
2. In the event of the site not being immediately available for development, what are the terms and conditions under which would it be possible for the local council and community groups to utilise and develop the land for recreational and public use, in the event of the site not being immediately available for development.

**ANSWER:**

Victoria Police advise that the future of the site will be determined in the context of a decision on the future policing requirements for the City of Bayside which contains police stations also at Moorabbin, Brighton and Cheltenham. A study is to be carried out to identify the most appropriate location of policing facilities to best serve the local community.

Should the outcome of that study indicate that land in Abbot Street, Sandringham is not the most appropriate location for policing services in the area, the land will be disposed of in the usual manner. In this regard, the Department uses the Department of Treasury and Finance's Property Group as agent in the disposal of properties. Under the Land Act, the Minister for Finance has a range of options available for the disposal of properties.

**Environment and Conservation: Barwon Water green industry probe**

**338. MR PATERSON** — To ask the Honourable the Minister for Environment and Conservation what level of financial contribution from the Government is available to fund initiatives in the Green Industry Probe report released recently by Barwon Water.

**ANSWER:**

I am informed that:

Barwon Water has recently released the results of the Green Industry Probe, a major study into the economic feasibility of attracting private sector investment into a reuse pipeline to service the Bellarine Peninsula and the Torquay hinterland.

The results of the Probe indicate that at this time there is no strong industry interest in reuse water for irrigation development in these locations. Industry support would be essential to the financial viability of a reuse pipeline.

**State and Regional Development: Barwon Heads gas supply**

**339. MR PATERSON** — To ask the Honourable the Minister for State and Regional Development whether he supports an application to the Regional Development Fund for a \$500,000 subsidy for the connection of natural gas to Barwon Heads in line with the subsidy for gas connection to North Bellarine.

**ANSWER:**

Under the published Regional Infrastructure Development Fund (RIDF) Guidelines, applications for funding may be submitted by public and private organisations for infrastructure projects to be undertaken in regional Victoria. All applications undergo formal, detailed assessment against established, published criteria and prioritisation methodology. Information about the application and assessment process is available through the Department of State and Regional Development.

The assessment is undertaken by an Interdepartmental Committee, comprising of a senior representative from each of the Department of State and Regional Development, Department of Infrastructure, and Department of Premier and Cabinet. The Department of Treasury and Finance sits on the Committee, in an observer capacity, for projects seeking \$2 million or greater from the RIDF. Other Government Departments and Agencies provide input into the assessment process where relevant. Based on their assessment, the Committee makes a recommendation to me on each RIDF application.

Any application made to the Fund will undergo this process.

**State and Regional Development: Barwon Water green industry probe**

**340. MR PATERSON** — To ask the Honourable the Minister for State and Regional Development whether he supports an application to the Regional Infrastructure Development Fund for funding to ensure delivery of the options canvassed in the Green Industry Probe report recently released by Barwon Water.

**ANSWER:**

Under the published Regional Infrastructure Development Fund (RIDF) Guidelines, applications for funding may be submitted by public and private organisations for infrastructure projects to be undertaken in regional Victoria.

All applications undergo formal, detailed assessment against established, published criteria and prioritisation methodology. Information about the application and assessment process is available through the Department of State and Regional Development.

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Any application made to the Fund will undergo this process.

### **Multicultural Affairs: full-time staff**

**344. MR KOTSIRAS** — To ask the Honourable the Minister for Multicultural Affairs — how many — (a) total full time equivalent staff; (b) total part time staff; and (c) total casual staff are employed in the — (i) Victorian Office of Multicultural Affairs; and (ii) Victorian Multicultural Commission.

**ANSWER:**

I am informed that:

As of 15 June 2001, the Victorian Office of Multicultural Affairs has:

- a total of thirteen equivalent full-time staff of which seven are permanent and six are temporary fixed-term staff; and,
- one part-time fixed term staff member (0.6 EFT).

The Victorian Multicultural Commission has a total of five full-time staff and no other part-time or casual staff.

### **Environment and Conservation: Flinders pier**

**345. MR DIXON** — To ask the Honourable the Minister for Environment and Conservation — what works are planned for improvements to Flinders Pier in 2000–01 and 2001–02.

**ANSWER:**

I am informed that:

Works undertaken on Flinders Pier in 2000–01 comprised:

- Replacement and repairs to damaged decking and capping, and
- Removal of storm-damaged fenders at the inner south intermediate landing.

Works proposed in 2001–02 are:

- Reconstruction of inner south low landing,
- Replacement of damaged fenders and walings at the inner south intermediate landing, and
- Repairs to street light pole/pier connections.

### **Environment and Conservation: parks services customer satisfaction**

**354. MR THOMPSON** — To ask the Honourable the Minister for Environment and Conservation — how does the Department of Natural Resources and Environment assess ‘Overall customer satisfaction with park services’, as referred to on page 217 of Budget Paper No. 3, Budget Estimates 2001–02.

**ANSWER:**

I am informed that:

Assessment of overall customer satisfaction with park services has been undertaken over the past decade by Parks Victoria and its predecessors. Data is obtained through face to face interviews with visitors in 21 major parks. Responses to a standard question are recorded and each park satisfaction score is the average of the visitor responses obtained. The “overall customer satisfaction with park services” is calculated by taking each park satisfaction score and weighting the score by the park’s visitation.

**Environment and Conservation: parks services visitor numbers**

**355. MR THOMPSON** — To ask the Honourable the Minister for Environment and Conservation — (a) what is the method used to assess ‘Visitor numbers accessing parks services’ as referred to on page 217 of Budget Paper No. 3, Budget Estimates 2001–02; and (b) what is the margin for error in this method.

**ANSWER:**

I am informed that:

Assessment of Visitor Numbers has been undertaken over the past decade by Parks Victoria and its predecessors. Visitation is an estimated value based on a specific methodology. The method used varies from park to park. The common methodologies include vehicle survey, entry tickets, booking reservations, permits and estimates based on metropolitan weather conditions.

**Environment and Conservation: Clifton Springs Beach E. coli levels**

**356. MR SPRY** — To ask the Honourable the Minister for Environment and Conservation with reference to the closure of Clifton Springs Beach earlier this year owing to high E.coli levels — (a) what was the source of the pollution; (b) what is the date that the pollution is first understood to have occurred in the area; (c) what was the date it was first discovered by the Environment Protection Authority; (d) what was the date of notification to the public in the press; and (e) what steps has the government taken to minimise the recurrence of the E.coli.

**ANSWER:**

I am informed that:

- (a) Despite extensive testing and investigations by EPA, Barwon Water and the City of Greater Geelong, the source of the pollution was not confirmed.
- (b) As the source of the elevated levels was not confirmed, it is impossible to ascertain when the source first affected the area. The first bacteriological testing that indicated E. coli levels were unacceptably high occurred on February 12, 2001.
- (c) Australian Water Technologies reported elevated E. coli levels to the EPA on February 12, 2001.
- (d) EPA conducted tests over the following two days to establish whether the elevated levels were a ‘one-off’ occurrence, such as may be caused by a pulse pollution event (such as a dog dropping contaminating the sample) or ongoing. Tests conducted on February 13 and 14 suggested beach water quality was affected by ongoing high bacterial levels. A media release was immediately issued by EPA on February 14 alerting the public to avoid swimming in the Bay waters around the Fairy Dell/Clifton Springs Beach area until water quality conditions returned to being acceptable.
- (e) Extensive checks made by EPA, Barwon Water and the City of Greater Geelong confirmed that
  - the nearby stormwater drains had no evidence of leaks

- the nearby toilet block septic tank was only  $\frac{1}{2}$  –  $\frac{3}{4}$  full and did not appear to have any leaks, and
- the sewers servicing the Clifton Springs Golf course had no leaks.

As the source of the elevated levels could not be confirmed, direct prevention of the re-occurrence is not possible.

As part of the Government's \$22.5 million Victorian Stormwater Action Program the City of Greater Geelong has received a grant of \$40,000 to prepare a stormwater management plan which, once implemented, will improve the quality of run-off to the Bay.

### **Ports: commercial fishing vessels**

**357. MR THOMPSON** — To ask the Honourable the Minister for Transport representing the Minister for Ports — what is the breakdown of commercial fishing vessels across the different licence areas (abalone, scallop, rock lobster etc) for — (a) 1999; and (b) 2000.

#### **ANSWER:**

I am informed that:

In December 1999 there were 926 registered fishing vessels and in December 2000 there were 873 registered vessels.

As a proportion of the commercial fishing vessels are licensed to operate in more than one fishery a precise answer to this question cannot be provided.

### **Ports: kite surfing**

**358. MR THOMPSON** — To ask the Honourable the Minister for Transport representing the Minister for Ports — with reference to the increased prevalence of kite surfing in Victorian coastal waters and the excessive speeds reached within 200 metres from the shore — does the government have any plans to introduce safety protocols or regulations to minimise potential harm to other water users.

#### **ANSWER:**

I am informed that:

The Marine Board of Victoria (the Board) has determined that “surf-kites” are “vessels” as defined under the Marine Act 1988, and therefore, are subject to the normal boating rules applicable across the State. As a consequence they are being treated the same as “sailboards” and are therefore subject to the normal 5 knot speed limit within 200 metres of the shore.

The Water Police have been advised by the Board of the definition and have been requested to enforce the rules, initially through educational activities but if necessary through on-the-spot fines.

The Board has written to all interstate marine agencies to determine what happens in other jurisdictions. In addition, interested parties have been contacted to advise them of the legal requirements for operating these vessels. The Board will also shortly convene a meeting with the Australian Kite Surfing Association to discuss safety issues.

The Marine Board is now considering the introduction of “surf-kite” zones to permit access to the shore at more than 5 knots. The views of the local waterway managers (eg. Parks Victoria), the Water Police, general water and foreshore users, local government, kite-surfers and any interested parties will be taken into consideration before any decisions are made about the introduction of zones.

**Housing: spot purchases**

**361. MR THOMPSON** — To ask the Honourable the Minister for Housing — what spot purchase acquisitions has the Office of Housing made over the past five years in — (a) Hampton; (b) Hampton East; and (c) Moorabbin.

**ANSWER:**

Spot purchases made by the Office of Housing during the past five years are as follows:

- (a) Hampton – One unit.
- (b) Hampton East – Twelve units.
- (c) Moorabbin – Nineteen units and five land lots.

**Education: Roberts McCubbin Primary School**

**362. MR WILSON** — To ask the Honourable the Minister for Education with reference to the Roberts McCubbin Primary School —

1. What was the February census enrolment figure that has been accepted by the Department of Education, Employment and Training.
2. Whether the school is in receipt of its full facilities entitlement for general purpose classrooms under the 1:25 ratio.
3. When will any additional classrooms, to which the school may be entitled, be provided.

**ANSWER:**

I am informed as follows:

The February census enrolment figure that has been accepted by the Department of Education, Employment and Training is 442 pupils. Additional classroom needs are being assessed currently.

**Treasurer: Bennettswood — land tax**

**367. MR WILSON** — To ask the Honourable the Treasurer with reference to properties located in postcodes 3125, 3128, 3130, 3149 and 3151 — (a) how many properties are expected to have land tax levied on them in 2001–2002; and (b) what is the total expected value of land tax in each of these postcodes for 2001–2002.

**ANSWER:**

I am informed that:

While the actual calculations for the 2002 Land Tax Issue Cycle have not yet been made, preliminary reports indicate that

- (a) Approximately 8633 properties.
- (b) Approximately \$15,056,000.

**Premier: Emily's List Victoria**

**369. MR KOTSIRAS** — To ask the Honourable the Premier — what financial assistance or resources have been provided by the Department of Premier and Cabinet to Emily's List Victoria.

**ANSWER:**

I am informed that:

No financial assistance or resources have been provided by the Department of Premier and Cabinet to Emily's List Victoria.

**Environment and Conservation: commercial fishing vessels**

**370. MR THOMPSON** — To ask the Honourable the Minister for Environment and Conservation — what is the breakdown of commercial fishing vessels across the different licence areas (abalone, scallop, rock lobster etc) for — (a) 1999; and (b) 2000.

**ANSWER:**

I am informed that:

The question does not fall within my portfolio responsibilities and should more appropriately be asked to the Minister for Energy and Resources.

**Multicultural Affairs: budget**

**382. MRS SHARDEY** — To ask the Honourable the Minister for Multicultural Affairs — (a) what is the target expenditure for funding of the Ethnic Communities Council of Victoria; and (b) what are the language allowance programs for 2001–2002 in the Multicultural Affairs budget.

**ANSWER:**

I am informed that:

- (a) the Ethnic Communities Council of Victoria receives \$140,000 per annum under a triennial government funding arrangement; and
- (b) the language allowance is paid to state government employees, police officers and emergency service workers who are proficient in a language other than English, and use these skills to assist clients.

**Housing: tenure reviews**

**385. MRS SHARDEY** — To ask the Honourable Minister for Housing with reference to the changes made by the Government concerning tenure reviews — whether the Minister has undertaken an evaluation to assess the — (a) effectiveness of the initiative; and (b) corresponding impact on public housing and its relative success or otherwise in avoiding poverty traps for public housing tenants.

**ANSWER:**

An evaluation of the anticipated impact on tenants of the previous Government's tenure review policy was undertaken by the Office of Housing prior to the changes announced in June 2000. The effectiveness of the initiative is evaluated on an ongoing basis as part of the Office of Housing's continued reviews of tenant's rental rebate eligibility.

As a direct result of these changes, specific tenure reviews of tenants will not occur until November 2002. The issue of tenure reviews and the corresponding impact on public housing is being considered further by the Eligibility Review Community Reference Group, due to report later this year.

**Housing: Thomson estate**

**387. MRS SHARDEY** — To ask the Honourable Minister for Housing with reference to the Thomson Estate in Geelong — will the Minister provide a progress report on the redevelopment of the estate.

**ANSWER:**

The attached media release of 24 May 2001 “Thomson Estate Redevelopment Transforming Homes” provides a comprehensive progress report on the redevelopment.



# Media release

From the Minister for Housing & Aged Care

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Thursday, 24 May 2001

## **THOMSON ESTATE REDEVELOPMENT TRANSFORMING HOMES**

The \$5.6 million redevelopment of the Thomson Estate in Geelong is underway with the upgrade of the first home now completed, Housing Minister Bronwyn Pike said today.

“This renovated home heralds a bright new future for residents of the estate,” Ms Pike said.

“The redevelopment project will transform the ageing houses on the Thomson estate into spacious, modern homes for tenants which are close to shops and transport in Victoria’s second largest city.

“The redevelopment will also create around 70 jobs over the life of the project and provide a boost to the local economy.”

Ms Pike visited the estate with Geelong MP Ian Trezise to view progress made in the redevelopment.

The redevelopment involves the construction of more than 70 social housing properties, more than 50 homes that will be privately owned, and the upgrade of four homes.

As part of Stage 1, four houses are being upgraded and four new homes will be built. The housing upgrades include improving kitchens and bathrooms, environmentally sustainable design features and changes to make the housing more suitable for people with disabilities.

Construction of the new four-bedroom homes, featuring solar hot water heaters, will begin in July. Building will start on another 14 houses as part of Stage 2 later this year.

The construction of a further 51 social housing and 49 private homes will be put out to tender in the next two months.

A Community Liaison Committee, chaired by Mr Trezise, was formed last year to ensure local community involvement during the course of the redevelopment.

The Committee includes estate residents and representatives of local Government, the Department of Human Services, and community agencies.

Mr Trezise said the project reflected the Bracks Government’s commitment to building stronger communities.

“Improving the quality of housing on this estate has benefits for the whole community,” Mr Trezise said.

“This estate became rundown over a number of years and the redevelopment is needed to repair years of neglect and restore community confidence.”

“The Bracks Government is committed to building stronger communities and involving Victorians in decision-making processes that affect their lives,” Ms Pike said.

“We will work closely with tenants and the community over the next three years to build a stronger and more cohesive Thomson Estate.”

**Housing: Raglan–Ingles estate**

**388. MRS SHARDEY** — To ask the Honourable Minister for Housing — will the Minister provide the report presented by the Community Advisory Committee set up to work up a redevelopment strategy for the Raglan/Ingles Estate in Port Melbourne in December 1999.

**ANSWER:**

A copy of the report will be forwarded to the Honourable Member as soon as possible.

**Housing: high-rise fire-risk management**

**390. MRS SHARDEY** — To ask the Honourable Minister for Housing what are the — (a) details; and (b) implementation costs of the strategy being employed concerning fire risk management for high rise public housing.

**ANSWER:**

The Office of Housing (OoH) has implemented a strategy to minimise the risk of fires in high-rise public housing estates. The strategy comprises two types of fire safety measures. Firstly, human fire safety measures, which involve fire safety information and emergency evacuation plans. Secondly, physical fire safety measures which involve the installation and maintenance of fire safety equipment.

**Human Fire Safety Measures**

Fire Safety Program

A comprehensive Fire Safety Program has been developed in conjunction with the Melbourne Metropolitan Fire Brigade. The program commenced before the end of 2000 and is ongoing. The program comprises information on how to prevent and respond to fires, which is available in English and 16 community languages.

The program is delivered through the following means to ensure new and existing tenants are provided with information on fire safety:

- New tenants are provided with ‘Fire Order Stickers’ and the booklet ‘Fire Safety in Your Home’.
- Existing tenants have been provided with ‘Fire Order Stickers’ and receive information on fire safety through tenant newsletters. During July 2001, tenants will receive a ‘Home Fire Escape Plan’ with their newsletter.
- Seminars are being progressively held at high-rise estates which are delivered jointly by the Melbourne Fire Brigade and Office of Housing. During the seminars tenants are shown a video on fire safety and provided with a ‘Home Fire Escape Plan’ and the booklet ‘Fire Safety in Your Home’. As at the end of June 2001, seminars have been delivered to 14 estates, and all estates are expected to have had seminars delivered by the end of 2002.

The OoH was presented with a Community Safety Award by Victorian Fire Services in recognition of the multicultural component of the Fire Awareness Program.

Emergency Evacuation Plans

The OoH have engaged the Melbourne Metropolitan Fire Brigade to develop emergency evacuation plans which will be placed within the public areas of all high rise estates. The plans will provide tenants, visitors, staff and emergency services workers with information on the location of exit points, firefighting equipment and assembly areas. All high-rise estates are scheduled to have the emergency evacuation plans installed by the end of 2002.

**Physical Fire Safety Measures**

Additional fire hydrants have been installed in the public areas of high-rise estates, and smoke alarms have been installed in the individual units. Fire safety audits have been undertaken in the public areas of all high-rise estates.

A program to install residential sprinkler systems in all high-rise estates commenced during 1998, and is expected to be completed by the end of 2003. There are currently 15 high-rise estates that have had residential sprinklers installed. Flat hoses are being replaced by the installation of hose reels in conjunction with the residential sprinkler systems installations.

#### **Maintenance of Human and Physical Fire Safety Measures**

All of the human and physical fire safety measures are maintained to ensure compliance with the Department of Human Services *Fire Risk Management Guidelines* which include the requirements of the *Building Code of Australia 1996*, *Australian Standards* and Victorian legislation including the *Building Act 1993* and the *Building Regulations 1994*.

#### **Implementation Costs**

A total of \$10 million is budgeted to be spent for each of the 2000/2001 and 2001/2002 financial years for the implementation of the fire safety strategy in public housing estates with the majority to be spent on the high rise buildings.